

**Mi Via Advisory Committee**  
**Meeting Minutes for April 28, 2016**  
**Approved July 28, 2016**

Location: Department of Health/Developmental Disabilities Supports Division (DOH/DDSD) office 5301 Central NE Suite 203 Albuquerque NM 87108

Attendees (in person): Cathy Salazar, Catalina Saavedra, Michael Romero, Shayla Spolidoro, Nadine Maes, Brad Hill, Stevie Bass, Darlene Hunter, Rebecca Shuman, Regina Lewis (DOH/DDSD), Kresta Opperman (Human Services Department/HSD), Oralia Flores (HSD), Jacob Patterson, Sandra Woodward, Patricia Shifani (member of the public), Connie Qualls (Qaulis), Christine Wester (DOH/DDSD)

Via Telephone: Blaine Foutz (member of the public), Althea Mcluckie, Kim Shipman (XEROX), Melanie Buenviaje (HSD)

Unable to attend and notified DOH/DDSD: Leslie Martinez

**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:**

- #6 on the Agenda was revised to reflect discussion of the MVAC direction and priorities as well as the Advisory Council on Quality (ACQ).

**3. Approved Minutes**

- A motion was made to approve the minutes from the meeting held on 1-28-16. These will be submitted to the Mi Via website asap.
- A draft of meeting's minutes from 4-28-16 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 July 28, 2016 they will be approved by the Committee and submitted to the Mi Via website.

**4. Discussion/Nomination/Voting in of New Members**

- Nadine Maes, Nomination Committee Chair, presented the scores from the current round of MVAC nominations.
- Motion was made to nominate new embers to fill three vacancies as follows, Keytha Jones, Jeanette Bundy and Melvin Brown. All three individuals were voted in by the MVAC.

- Applications 5 & 6 were scored as tied to fill a 4<sup>th</sup> and 5<sup>th</sup> vacancy if necessary. Application 2 was scored for a 6<sup>th</sup> vacancy and Application 1 scored as the 7<sup>th</sup> if necessary. It was agreed the Nomination Committee would review applications 5&6 in order to conduct a tie breaker the week of May 2, 2016.

## **5. Purchasing Issues through Mi Via**

- It was acknowledged by the State that purchasing items through TNT issued checks has become a tedious process for participants and all agreed it is challenging and has been for quite some time.
- Participants are now having to obtain cashier's checks from XEROX if the TNT issued checks for Related Goods are not processed by their chosen retail store.
- XEROX is only processing cashier's checks on certain days of the week making this difficult for participants, especially those in outlying rural areas/regions.
- The problem with the checks has been identified as the routing numbers on the TNT checks.
- It was stated this is presenting as a systemic issues, statewide and resulting in a lot of legwork for participants that they sometimes are not able to do easily.
- MVAC members stated more and more retailers are not accepting TNT checks.
- HSD is looking into other options. The Purchase Order (PO) process that HSD was considering and described at the last meeting will not be able to go through the state purchasing system due to state rule/regulation restrictions. Additionally, HSD and XEROX are looking at what is occurring in other states in terms of these types of purchases under self-direction.
- HSD will continue to meet with XEROX to identify other options and are still looking at the use of a Debit Card as well as some type of agreement that may be attainable through "big box" stores such as Walmart, Staples, Best Buy etc.. It was stated that monitoring would be required with the use of any type of Debit Card.
- HSD would like to get away from the use of the checks if at all possible.
- It was mentioned that Gift Cards should not be purchased with Medicaid Funds in attempts to address the purchase issue with TNT issued checks.
- It was stated that some participants have had to go through three (3) different vendors cancel checks and go through different processes which is difficult.
- Historically, it was felt the debit card had been negotiated successfully in the past with a prior Fiscal Management Agency (FMA). Members affiliated with MVAC in the past stated they recollected that the groundwork was done, this was approved but the debit card was never implemented.

- HSD will look into historical steps taken and are reviewing the past work that has been done. Members stated they would be willing to help out as they have in the past with future steps to get this issue resolved.
- There was a discussion of utilizing a Purchase Agent, which another waiver program, the Developmental Disabilities Waiver, had used in the past. The payment for this service would potentially have to come out of the participant budget.
- An example of a Consultant Agency serving in the role of a Purchase Agent was considered. It was felt by some that this would avoid the issues of the PO process through the state and could provide a mechanism for accountability through a Consultant Agency.
- Some participants have utilized others in their Circle of Support to act as their purchasing agent already such as a therapist obtaining equipment as part of their rate for service. Others have become creative in working with “big box” stores in terms of credit cards etc...
- Other considerations presented was the state working with “big box” corporate offices. Staff changes at these stores does present problems with ongoing support for taking TNT checks.
- It was mentioned that rural areas are significantly more affected than more metropolitan areas of the state due to limitations in retail stores, having to drive to other parts of the state to access more resources etc... if their local retail stores are not cooperating with the Mi Via program.
- It was mentioned that Mi Via will be more conducive to those living in larger cities due to more access, attractiveness to a larger variety of businesses.
- It was stated that using Purchase Agents could be an option and there was recognition that the issue is now and immediate requiring attention.
- If there were to be relationships made with “big box” stores, this could potentially limit participant choice as well.
- The MVAC would like to keep this issue on the agenda for the next meeting in July after HSD/XEROX have further discussions to address this issue. Members felt it may be necessary to develop a work/focus group of a few people from the MVAC to brainstorm ideas and work with the state.

## **6. MVAC Priorities and Direction/ACQ**

- Discussion ensued regarding how the MVAC can provide recommendations to the state and systematize for participants where complaints go.
- It was stated that contractors are required to have a complaint process, however, MVAC membership has been informed by XEROX there is not a

complaint process. It was felt MVAC should be a part of developing a complaint process.

- It was stated Qualis does have a complaint process (document handed out at this meeting) and XEROX has a database that tracks email, issues, concerns and they are required to submit this information to HSD.
- It was stated MVAC may need to move towards problem solving larger issues to assist participants problem solving at each individual level.
- MVAC members stated they need to know what the systemic complaints are in order to assist with problem solving. It was mentioned there are challenges with waiting too long to identify an issue at the state level if participants have been addressing them on an individual level for a long period of time.
- It was stated that years ago there was something called a “complaint tracker” that would track things such as checks and XEROX activities. It was mentioned that in years past, a report of XEROX activities would be provided to the MVAC and what occurred at the systemic level to address any issues identified in the report.
- A recommendation was made that in the Mi Via Newsletter, complaint processes for Mi Via should be outlined.
- The process for Consultant complaint processes were outlined. All Consultant Agencies are required to have a complaint process and the state formally follows up on those complaints filed directly with DOH/DDSD about Consultant services.
- It was reiterated Qualis has a complaint process as does XEROX. It was requested that HSD provide data to the MVAC with regards to complaints so issues/concerns could be resolved at a higher level to impact the system, not just on an individual basis.
- The MVAC would like to see regular reporting from a report Melanie Buenviaje described that provides HSD with information about complaints/issues with XEROX.
- HSD stated they could begin reporting on these issues to the MVAC.
- It was stated that it would be helpful if the MVAC is included in discussions as it is felt there are “behind the scenes” discussions about decisions that need to be made affecting Mi Via, such as purchasing issues. MVAC members stated they wished to be involved more with discussing options and having more involvement up front with issues that come up requiring decisions about the program.

- MVAC members agreed part of their priority and direction would be to keep the Retreat information/documentation on the agenda as a standing item.
- Discussion returned to the issue of Mi Via payment for Related Goods. Some felt the state should allow an “annual payment” for some goods rather than depending on a month to month payment. Some indicated even quarterly payments or two months payment in order to not get behind with checks that come late due to processing issues at TNT/XEROX. It was recommended the state look at how to assist participants to stay ahead of payments so that there is not an issue with late arriving checks for things such as cell service. Members stated participants should not have to live with “fingers crossed” that they can make a payment.
- The discussion then turned to the MVAC role on the ACQ. It was stated that at the last ACQ meeting, the message was that 80% of those on the Developmental Disabilities Waiver (DDW) should be on the Mi Via Waiver.
- It was reported to the MVAC that there is a “Senate Memorial 20” Bill that recommends a shift to Mi Via services as much as possible.
- It is felt that currently, the ACQ is heavily weighted towards those receiving DDW services and there used to be a place on the ACQ agenda for Mi Via services that is no longer available.
- It was clarified that ACQ has restructured around what is called a “Wise Plan” which focuses on goals in 2016 to ensure quality, increase capacity for waiver services to reduce the waiting list and to improve communication between all stakeholders.
- Mi Via can provide information to the ACQ, however, it needs to be more in line with the goals of the “Wise Plan”. Mi Via would need to provide information on systemic issues, not participant specific issues.
- All were reminded that MVAC chose to become a sub committee of the ACQ in order to have a more powerful voice with the state.
- Comments provided at the ACQ would have to be related to the three (3) goals of the Wise Plan using what is called a “Partner Form”. The MVAC would need to make a request for a topic to come up with regards to an agenda item and then be in contact with the Executive Committee of the ACQ. Any subcommittee of the ACQ has to communicate in this fashion with the ACQ, not just the MVAC.
- There is an open agenda at 3:30 for comments at the ACQ meeting.

- It is felt by the MVAC that the purchasing issues need to be discussed with the ACQ and that Mi Via issues due need to be a part of the ACQ agenda based on the intent of the Senate Memorial Bill.
- MVAC members are willing to become part of the ACQ.
- It was mentioned that Mi Via has grown tremendously over the last few years and in at least one region, more are served through Mi Via than the DDW.
- It was mentioned that the ACQ may start using teleconferencing and at this time, those attending ACQ/Mi Via meetings by phone can receive a stipend, however, that may be changing in the near future.
- A statement was made that discussions about the right to self-direct, dignity of risk should be held at the ACQ. Some MVAC members state they have been with ACQ members, providers who make statements about people with intellectual/developmental disabilities being unable to self-direct, manage their own lives etc.. without recognizing different abilities, family/natural supports. It was stated members of the ACQ should be supporting self-determination, dignity of risk and self-direction regardless of waiver.
- Other issues regarding the MVAC included the re-iteration that HSD, DOH, XEROX and Qualis need to all continue to attend MVAC meetings.
- It was stated that MVAC needs to determine issues to take to the ACQ that meet the three goals and every time after that tweak those goals each time in continuing to present issues until they are resolved.
- MVAC members stated that Mi Via is a great program in terms of national trends and ACQ may need to be educated about Mi Via in order for them to learn more about the program.

## **7. Related Goods Proposal**

- A letter outlining a proposal related to addressing costs of certain Related Goods such as computers, cell phones, printers, faxes and exercise equipment. This letter also requests input regarding the “reasonable cost” of these types of Related Goods by May 31, 2016.
- The state is proposing options to determine “reasonable cost”, outline what might be reasonable cost for these particular items as we move forward with the stewardship of the Mi Via program. Proposed ideas include a range of rates or amounts within a limited budget overall for Related Goods that could be purchased.

- It was recognized that some participants may need more than just a basic type of electronic (ie, computer) and that may be more costly based on an individual need that would have to be justified.
- It was stated by some MVAC members that it is reasonable for a participant to seek out reasonable cost for their goods and that is already indicated in the Mi Via Regulation. Many members agreed that it is on the participant to find the most reasonably cost item they wish to purchase. It was stated that proposing a range for this type of purchase or a percentage amount of a budget per year goes against the original precept of Mi Via and how participants get to determine what best meets their need. Participants are already charged with meeting the requirements in the Regulations and this should not have to be defined any further.
- HSD indicated that the Regs do require reasonable cost and that the Third Party Assessor can work with the participant and consultant to find the most reasonable cost for an item.
- It was pointed out by the state that there is a vast range being requested among participants for items such as computers. This range is approximately \$300 to \$1500 and many times the computer is for the same purpose with no indication of the disparity as to why someone needs a \$1500 computer over a \$300 computer. The vast disparity is occurring over a number of different types of electronics. The state indicated the need for adaptations is understood and exceptions could be allowed for those needing them.
- Feedback on options was requested. MVAC member Rebecca Shuman, provided a handout to members at the meeting with regards to input she had put together related to this issue.
- It was stated that there was not enough information in the letter for stakeholders to consider, the intention was not clear in terms of how this supports self-direction and there has been no data provided to indicate utilization of these types of goods and the disparity that exists. It was stated there does not appear to be any relationship to a reasoned study of this issue.
- It was stated that Consultants do work with participants to discuss reasonable costs and the manner in which they can research this information as required in the Regulations.
- It was requested the state conduct a knowledge based review of the ranges that currently exist and provide reports of utilization to the Committee.

- It was stated that there has been a review of Service and Support Plans that do not justify cost, do not indicate the reasonableness of the cost of an item being purchased.
- HSD can run reports on utilization as well as costs of retailers in order to provide information about the range of rates. It was stated other Mi Via services do have a range of rates and we are all charged with looking at our fiscal responsibility related to waiver funding.
- HSD stated that in their recent experience, Consultants have been requesting a range for certain Related Goods, Qualis has been asking for guidance on this issue and the recent CMS Audit that was conducted in 2016 began moving the state towards assuring the fiscal responsibilities associated with the implementation of the waiver are being addressed as they should be.
- Some MVAC members stated they did not like having a range, a cap on Related Goods nor a percentage of a budget allocated to Related Goods which were being proposed.
- It was stated that restrictions make self-direction more difficult and some MVAC members raised concerns Mi Via was becoming too standardized.
- It was stated that Option 1 to set a maximum dollar amount allowed does not show how the state allows for a breakdown of an individualized budget. It was stated Option 2 to set a percentage of an entire budget does not allow for the individualized needs a person has in order to set a general percentage. Option 3 to set a range of rates was considered a little better but some MVAC members did not believe this would be looked at objectively by Qualis.
- There was a recommendation to have a wide set of ranges to cover the diverse needs participants have.
- It was stated that Mi Via has already approved a wide variety of Related Goods as the justifications provided have been in line with the requirements of the Mi Via Regulation.
- It was stated that self-imposed decisions are part of self-direction and participants should be setting their own limitations not the state under self-direction.
- It was stated the TPA needs to be able to understand and know about the needs a participant has for goods. It was also mentioned the Service and Support Plan/Budget Request should be providing that information to the TPA.
- It was stated it is in the best interest of a participant to use their budget wisely. Many are already having to make decisions to limit other things

to maximize on their budget. It is felt by some MVAC members that participants are using their budget wisely and sacrificing certain things in order to prioritize what is necessary.

- Other commentary included that Option 3 is what is already in place, participants have a “range of rates” already available to them as they research costs and they should be going with the most reasonable. It was stated the TPA needs to receive training on the justifications that are utilized to justify items. It was stated Qualis is in a dilemma with trying to maneuver through justifications.
- HSD stated they will provide 2 years of data to MVAC members.
- It was mentioned there are already limitations build into the approved waiver and participants still have the ability to self-direct and make choices in comparison to other waiver programs.
- The letter will be shared with Consultants after the MVAC meeting
- The ability for a participant to even purchase goods, as discussed earlier, may have a direct impact on what they can and cannot pay for under the state’s proposal.
- The MVAC members agreed to wait on the utilization reports and there may need to be a special meeting of the MVAC called to address this specific issue further.

## **8. Break**

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

- Due to limitations on the meeting time, this agenda item was tabled.

## **10. Fiscal Management Update (XEROX):**

- Xerox had no updates
- MVAC members expressed appreciation to XEROX for attending the MVAC meeting in its entirety.

## **11. Third Party Assessor (Qualis) Update:**

- Cara Robinson, Vice President of Qualis, had been attending meetings and Connie Qualis was attending today representing Qualis.
- Ms. Qualis stated she was very impressed with the conversation at the meeting and the communication involved with trying to resolve challenging issues. She stated she has a family member who has special needs and has an understanding of the concerns and issues of the MVAC.
- Nurses at Qualis try to serve as advocates for participants to get services in place.
- When there is an RFI it is hoped that it will result in getting people thinking about how to get services approved and what is needed to do so.

- Nurses are looking for information as the ammunition they need to correlate the needs/services with the Regulations for approval.
- Medical Directors at Qualis do a review as an independent reviewer for those things that are denied. Sometimes, the Medical Director will reverse a denial.
- Nurse Reviewers and the Medical Director are using the same tools to make decisions about budgets that the participants and consultants have available to them.
- HSD does meet regularly with Qualis to go over trends, issues, to provide clarification in order to monitor Qualis' compliance with Regulations and program rules.
- MVAC members stated participants/families are the best advocates for participants. Members stated concern over long processes and they have to advocate for participants/ families to get what they need from Qualis.
- MVAC members stated they appreciated Qualis being present and would prefer Qualis attend MVAC meetings in their entirety. It was stated Mi Via families appreciate more interaction, phone calls, email in order to connect better with Qualis staff.

**12. 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 tabled this agenda item.

**13. Public Comment**

- No public comment was registered at the meeting

**14. Closing:**

- Future meeting schedules:
  - July 28, 2016 In Santa Fe, HSD Office/Ark Plaza, 2025 S. Pacheco Santa Fe, NM 87505 11am-4pm
  - October 27, 2016 In Albuquerque, Location to be determined
- It was stated that there is not enough time for the MVAC to thoroughly discuss issues within a 1pm-4pm meeting time frame. The MVAC agreed to change the meeting time for the next meeting on July 28, 2016 to 11am-4pm with a working lunch in order to provide additional time. It was mentioned that the MVAC would then see how the time change works for future meetings thereafter.