Mi Via Advisory Committee

Meeting Minutes for July 23, 2015

Approved October 22, 2015

Location: Toney Anaya Building Hearing Room #1 2550 Cerrillos Rd. Santa Fe, NM 87505

Attendees (in person): Stevie Bass, Doris Husted, Brad Hill, Leslie Martinez, Jacob Patterson (Consumer Direct Personal Care), Roberta Duran (Department of Health/Developmental Disabilities Supports Division (DOH/DDSD), Melanie Buenviaje (Human Services Department/Medical Assistance Division (HSD/MAD), Regina Lewis (DOH/DDSD), Michael Romero, Christine Baca (HSD/MAD), Shayla Spolidoro, Justina Vigil (HSD/MAD), Darlene Hunter, Rebecca Shuman (AAA Participant Direction), Christine Wester (DOH/DDSD), Tina Storey (member of the public), Lilly Martinez (member of the public)

Via Telephone: Jolene "Catalina" Saavedra, Brittney Foss (XEROX), Rae Bauman (Qualis)

Unable to attend and notified DOH/DDSD: Jennifer Hall, Nadine Maes

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 they joined the meeting.

2. **Review Agenda and Announcements:**
   - Agenda approved to proceed as written

3. **Approved Minutes**
   - A motion was made to approve the minutes from the meeting held on April 23, 2015. These will be submitted to the Mi Via website by the Mi Via Unit (Christine Wester/Regina Lewis).
   - It was stated at the last meeting members indicated it would be helpful to have an understanding of what goods were typically costing and approved through Mi Via.
   - Some members felt that under self-direction it is up to the participant to research costs, determine what they need and provide the justification for it; others felt it would be helpful to have typical costs available to a participant who was in the process of planning services
   - It was stated it might be helpful to have information related to the typical

range of rates for certain goods while others felt this might be limited to the participant to feel they need to work within a range of typical rates rather than identifying what was needed.

- It was stated that with Mi Via if criteria is met and justification provided this can support the need of one product over another and a range of typically approved rates may interfere with this process.
- Individualization should remain for a participant seeking goods/services to do so based on their specific circumstances.
- Some goods may be approved for some and not for others and it does come down to what the person requires and the justification.

4. Welcome of New Members/Review of By Laws/Ground Rules:

- The Committee is now full with 17 members
- New Members Brad Hill, Darlene Hunter, Jacob Patterson (representing Consumer Direct Personal Care), Michael Romero and Shayla Spolidoro provided information related to their background and interest in working with the Committee.
- All Committee members were in agreement that they share similar sentiments to improve Mi Via, inform the state of participant concerns and suggestions to improve the program as well as a desire to help all participants be healthy, happy and successful with Mi Via.
- Committee Ground Rules were distributed and reviewed. It was emphasized that the meetings should be enjoyable and the Committee is intended to be a network of supports. A reminder was given for all to be mindful of using acronyms as not all in attendance are familiar with acronyms.
- By Laws were reviewed as the foundation of Committee practices.
- The Committee tries to follow as closely as possible and it was reiterated from the meeting in April 2015 that the By Laws have been revised to include two Consultant Agencies instead of just one and the Mi Via Advisory Committee is a committee of the Advisory Council on Quality for individuals with Developmental Disabilities and their Families (ACQ).
- It was mentioned that officers, Chair and Vice Chair, will need to be renewed at the end of this year at the next meeting in October 2015.
- The Chair of the Committee must be a member of the ACQ and go through their vetting process. This process takes about 2 months to get through. It was stated that the ACQ brings together a variety of individuals across the state who have a role/interest in services provided to individuals with Developmental Disabilities in the state of New Mexico.
- The Chair of the Committee also works closely with the DOH/DDSD Mi Via Unit to put together meeting agendas, reviewing the meeting minutes prior to distribution and on other issues that may arise throughout the year the Committee should address.

5. Committee Member Agenda Submission from 4-23-15 MVAC meeting: Tony

Chavez (Agenda Items 5 &6 "Participant Issues/Experiences" were combined):

a. What can Mi Via do to enhance person-centered philosophy?
b. What can Mi Via do to help participants have better accessibility for services?
c. What are examples of how services are or are not provided in a person-centered manner?

(NOTE: "a" and "b" as indicated above were combined into one dialogue as follows:)

- It all starts with the Participant. It was mentioned consideration should be given to what is good about Mi Via and what could be better.
- It was mentioned it can be difficult to see how numbers are adding up in the budget until a Consultant returns to their office and begins working on the budget. If a participant does not have tax figures, workers comp, etc.. a participant's numbers can get thrown off as they are managing their budget. It is difficult to know if there is leftover or not to use elsewhere without contacting the Consultant for the correct figures.
- It was stated the consultant could share the figures associated with the tax burden and worker's comp. Consultants may not share these figures as the plan is developed based on what the participant has stated they want and the Consultant would only be addressing revisions if the participant is stating they want something more then the consultant would be evaluating the budget to determine what can be utilized.
- A suggestion was raised that participants could inform the consultant/employee that they are stating a rate with the taxes, for example $15.00 to include taxes rather than guessing what the rate would be after taxes are taken out. The consultant then would be able to calculate taxes/workman's comp etc… backwards from the all-inclusive rate the participant wishes to spend.
- Participants do need to stay on top of their monthly utilization and this could also help the participant to know what they have in the event they need to move funds around.
- FOCoS does support participants to review their budgets, what is current, what has been utilized etc… and consultants are expected to review this with participants monthly and quarterly.
- Consultants can also suggest budget revisions if they notice there is over or underutilization of services.
- Funds can be moved, however, a participant cannot replenish funds if the budget is overspent.
- All agree the individual participant needs to remain at the center of Mi Via services.

- Budget requests may or may not reflect “typical” requests and may not be something anyone else has ever asked for.
- Regulations are clear in terms of what the service criteria is for Mi Via services. A request for services still has to meet Center for Medicaid and Medicare Services (CMS) requirements and meet the requirements as being considered a waiver service.
- Justification documents are also important to support a request that may not be considered “typical” as well as typical waiver goods/services. Documentation from a professional involved in supporting the person, evidence, research of the request and how it relates back to the participant’s circumstances/condition would be important information to have. Documentation to indicate how the good/service would be beneficial in supporting the person would be important to have especially in supporting certain goods/services over others.
- The TPA does not want decisions held up and information can help move budget reviews along and any information that can be provided at the forefront of a budget request would be helpful.
- The more complete and clear the information comes in, the better it moves the budget review along. Information submitted proactively to identify the “who, what, when, where, how” can be beneficial to the budget review process from the beginning.
- The consultant reviewing the documentation with the participant should also be helpful prior to submission.
- It was stated that with any type of experimental therapies, no matter how much documentation is provided, these would not be approved as they are specifically not covered per CMS rules.
- Documentation to qualify for “Additional Funding” should have complete and clear information with regards to the criteria the participant is requesting review of.

(NOTE: “c” as indicated above was captured in a separate dialogue as follows):

- The day to day management of Mi Via could be explained and supported in a better way. For example, some stores do not always take Mi Via checks or depending on the shift and store management the store may or may not take a Mi Via check.
- If participants could talk to each other about the day to day issues they are having and how they have resolved them, it could benefit the program.
- Additionally repairs are sometimes delayed in the budget review process as they come up. It was mentioned that yearly maintenance could be accounted for in an annual budget for some equipment so as to have it approved prior to a last minute breakdown.

- Additionally, there are provisions in Mi Via for expedited budget reviews due to health and safety issues.
- It was stated that some members have had experiences during which they felt some in the community (ie Massage therapists, chiropractic providers) were taking advantage of Mi Via services by charging higher rates when they discovered a person was receiving services through Mi Via. Some participants were able to address this issue with the provider of the service directly, however, it may be a practice that is consistently occurring.
- Some committee members have found the opposite occurring in that vendors have offered a discount upon learning more about Mi Via and self-direction.
- It was mentioned that approaching a vendor to educate about budgets, budget limitations, self-direction and negotiation may help educate others in the community about Mi Via and its philosophy.
- It is believed that the term "participant" is more neutral than "consumer" which has the connotation of being a vehicle for money rather than a person.
- AAAParticipant Direction made a conscious choice to use Particpant Direction in the naming of their agency as they focus on supporting those engaged with Mi Via to self-direct their services.
- It was mentioned that the term "Participant-Centered" does confine a person to someone utilizing Mi Via whereas "Person-Centered" encompasses planning in the context of the person's whole life.
- Participants do struggle with employees who may have experience with other service systems that "tell or advise" a person to as to how they live their life. This can be a challenge with self-direction when the person is actually the one that is to be directing or telling the employee how things are to be done in their life.
- It was mentioned that continued work with Employers of Record (EORs) and participant is needed in support of educating everyone about the philosophy of self-direction.
- Monthly/Quarterly reviews do ask the participant to reflect on how well employees are providing services and this may be something that can be identified by the consultant to assist the participant with.
- It was stated that the TPA has shown difficulty with trusting and respecting the efforts participants make in developing their budget through ongoing questioning.
- It was mentioned that the TPA is not trusting the professional opinions of those professionals supporting Mi Via participants and questioning their research. It was stated that requiring a level of proof to secure services diminishes person-centered planning. Participants should be planning for their desires, their wishes and their needs.

- The Service and Support Plan (SSP)/Budget does need to reflect a complete picture for the person. It was mentioned that requiring justification does not lessen self-direction rather it brings services into compliance with the CMS requirements we all have to adhere to. Services and supports do have to be consistent with regulations and standards in order to maintain the waiver program. There is an understanding that this is a CMS Waiver program and with that there are expectations and responsibilities with the provision of the program.
- "Habilitation" also was discussed as being part of the regulation which covers service criteria in support of meeting the "habilitative" needs of the participant. Habilitation was described as the manner in which participants fit into a variety of environments and affording the participant the sense of where they belong.
- It was stated that HSD has been actively reviewing SSP's during the course of the transition to the new TPA and are working with the TPA to assure there are justifications are provided and within reasonable expectations. Additionally, through their SSP/Budget reviews, HSD is finding that there is a need for better written goals and the participant continues to have the reconsideration, Agency Conference and Fair Hearings processes available to them for TPA denials.

7. **Break**

8. **ACQ Request: Public Relations Project: Regina Lewis, Mi Via Program Coordinator**

    - This project for the brochure (to include information on all waivers, Mi Via Information Sheet, Mi Via Self-Direction Support Guide) has been postponed.
    - Project deadlines were moved up approximately one month due to reminders received from the DOH Communications Office that any materials including the DOH logo must be received for review.
    - DOH budget issues also impacted service contracts that had not yet been fully completed nor were close to completion.
    - Issues did arise related to information for all documents. A vast amount of information came from a number of resources, including a subcommittee with representation from MVAC members, Developmental Disabilities (DD) Waiver and Medically Fragile (MF). Attempts to edit and get information contained into smaller documents was taking more time than expected and with changes in deadlines the Division did not want to compromise quality and not be afforded the opportunity to review information with the sub-committee.

9. **Fiscal Management Update (XEROX): Brittney Foss, Mi Via Call Center Supervisor:**
    - Staffing Update: Brittney is now the new Mi Via Call Center Supervisor.
    - Clarification was provided that if a participant submits timesheets on time and there are issues, there is one outgoing call to the EOR and an email from XEROX to the EOR and Consultant. If the timesheet can be corrected by Friday at 10am it can be corrected and processed. An issue raised with this is that there is a deadline for reviewing timesheets which is 12pm on Friday after pay period closes. If calls are placed early the following week, there is no way to correct due to timing.

10. **Third Party Assessor Update (Qualis): Rae Bauman, Director of Utilization**
    - Qualis continues to learn about Mi Via. HSD has been providing ongoing support to assure Qualis is following regulations and keeping up the quality of Mi Via.
    - Rae is the Director of Utilization and charged with overseeing daily operations and assuring Quails is meeting their contractual obligations. Cara Robinson is also currently involved with Mi Via processes. Cara is Vice President of Care Management.
    - It was clarified that Level of Care (LOC) extensions were for participants who had LOCs expiring in May, June, July 2015 for 90 days. It was not an extension of the workload for Qualis rather it was an extension of LOCs.
    - It was stated a participant had completed their LOC on time and they had not heard from Qualis. They then received a 60 day notice to get the LOC completed. It was stated the information had already been sent, however, Qualis indicated that if the 60 day notice went out, Qualis did not have the information. Qualis stated that if the 60 day notice is received but a participant has submitted the information, they should contact Qualis to find out what they do or do not have. (This issue will be reviewed with specific information shared with Melanie Buenviaje, HSD/MAD, outside of the meeting)
    - For LOCs, participant would receive either a Request for Information (RFI) or the approval/denial letter if the information is received. If it is not received, a notice would be sent.
    - It was stated that due to the challenges with the TPA transition, these types of submission issues increase the frustration of the participant.
    - Faxes received through Qualis are transferred directly to the participant's file.
    - It was stated that letters are still being received that the participant is ineligible but the medical and financial eligibility are ok but the LOC had not been received at the Income Support Division (ISD).
    - It was acknowledged that there are some recertification issues occurring at

ISD and these are being worked through but most are being addressed now on a case by case process. Data is transmitted electronically between Qualis and ISD and there were some issues with this transmission. It was stated pieces are starting to correct themselves and if there are any issues related to Qualis and/or ISD, participants can contact Melanie Buenviaje.

- It was clarified that History and Physical documents do not have to be on the Mi Via form and this has been addressed through HSD and Qualis.
- Qualis does continue to receive incomplete information and notes that do not contain the required information. Qualis will utilize the Request for Information (RFI) process or contact Consultants directly to obtain the necessary information.

11. Human Services Department/Department of Health (HSD/DOH) Update (Melanie Buenviaje, HSD and Christine Wester, DOH):

- Christine Baca was introduced with HSD/MAD as the XEROX contract manager. She assists with issues including but not limited to timesheets, invoices, mileage requests, non-payment. She can assist with issues related to XEROX Mi Via functions.
- Justina Vigil was introduced with HSD/MAD as well. She will be assisting with issues related to Mi Via eligibility and will be researching Consultant Billing issues.
- CMS/HSD/DOH have been in communication with regards to the Waiver renewal. The state has responded to a number of questions posed by CMS during the renewal process.
- The Statewide Transition Plan continues to be followed by the State in addressing CMS rules. The statewide training schedule from the June Mi Via Newsletter was shared with the MVAC and this schedule will appear in the August and September Newsletters as well. The Director's Release as required by the Statewide Transition Plan to expand language for Customized Community Supports has been put into effect June 30, 2015 as required. The Release was shared with the Committee is on the Mi Via website, will go out with the August Mi Via Newsletter. The release will also be included as part of the statewide trainings on the current Standards.
- As part of the Statewide Transition Plan, a vendor survey was conducted with regards to the settings Mi Via services are provided in. Vendors for employment, Community Membership and Living/other services were surveyed for each service. The results of the vendor self-assessment are projected to be analyzed and provided in September.
- It was stated that the operating systems of IPADS/Tablets do not support FOCoS applications. While participants may access FOCoS with these devices, applications within FOCoS are not available. For example, if a participant tries to manage timesheets with these devices, it may or may not be supported through the FOCoS system and FOCoS would not be able to provide technical assistance to address any issues (ie. submissions) through these devices. Requests for these devices solely for the purpose of managing Mi Via services and FOCoS will be denied in support of

consumer protection due to the application/operating systems issue. These devices can continue to be requested for other purposes.

12. Public Comment:

- No public comment was received.

13. Closing:

- Future meeting schedules:
    - October 22, 2015 1pm-4pm in Albuquerque at the DOH/DDSD office 5301 Central NE Suite 203 Albuquerque NM 87108
    - January 28, 2016 1pm-4pm in Santa Fe at the Toney Anaya Building, Hearing Room 1 2550 Cerrillos Road, Santa Fe NM 87108.