

Disabilities Advisory Council Minutes



Meeting: Disabilities Advisory Council
Date: 1/28/2014
Start Time: 2:00 P.M.
End Time: 4:00 P.M.
Location: Conference Room 1020C
 Multi-Agency State Office Building
 195 North 1950 West
 Salt Lake City, UT 84116
Type of Meeting: Regular Monthly Meeting

Members:	<u>Present:</u>	<u>Excused:</u>		<u>Present:</u>	<u>Excused:</u>
Deborah Bowman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	John Westling	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shane Sadler (phone)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Paul Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kristen Chapman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Krissie Summerhays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peggy Augustine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Joseph Taggart	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marsha Colegrove	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dustin Erekson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Valdez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tonya Hales/ Josip Abrenac	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other Attendees:

Clare Mantonya, Whitney Englund, Nate Wolfley Amie Richards, & Ryan Carrier (administrative support)

Motion to accept Minutes:

- Deborah Bowman welcomed the group and invited members to review the November and December Minutes.
 - Paul Smith moved to table passing the minutes to await Tonya's review and feedback.
 - Peggy Augustine seconded the motion.
- Dustin motions to approve the December meeting minutes without revision.
 - Kristy seconds the motion. Approved unanimously by the Council.
- Deb opens nominations for Vice Chair. Krissie Summerhays previously nominated through email. Deb Bowman nominates Kristen Chapman.
 - Ballots are circulated to Council members.

Directive 1.29-Request for Additional Services is introduced by Paul Smith with Presentation by Steve Wrigley

Paul: The presented directive follows the steps taken by the Division for handling Request for Additional Services. Our folks need to know the process before it is placed in the business system online.

Steve: The Division receives an allocation for additional services. Once you are into the Waiver, any changes have to go through RAS. One of the responsibilities of the communities I chair is to figure out if the request is a need or a want? Is the service appropriate? Is it the right level? One of the things we wanted to put on this was how we derive at the process? I may think it is a want, but how would the Division classify it?

The first page covers definitions, but the purpose of this document covers how a request is submitted. The way Medicaid has it set up the support coordinator has to submit the request. When a submission comes in you have to have enough information to make such a decision.

- **Deb:** do they have to submit for both day and residential support?
 - **Steve:** No.
 - **Deb:** Perhaps clarify that part.

Steve: The first thing we have to do is check USTEPS to make sure there is a request. Accuracy is verified from the beginning.

If a request is below a 1,000 state dollars, it can be approved right there. If it is over 1,000 state dollars, it must go to the RAS Committee. The RAS evaluators, typically around 4 people, will spend time to determine the need level and other specifics. At times, we will meet with the families to see if we can meet needs in home. There is a real need to look individually and ask what need is wanted.

We have it written that this committee meets twice a month. However, recently it has increased to every other week. There are a lot of requests and we only have four staff members working this process. We try to call before the meeting. If we were to call all individuals, the process could not move forward.

The group is composed of many view points and the decision is made as a group.

- **Deb:** is the crisis portion in this document?
 - **Steve:** No, but perhaps we'll include that section.

The first task before we go into this process is we ask is this a need or a want? We try to take these decision based on this criteria, while realizing there are budget constraints on this process.

There are four categories these decisions can go into; Approved, Denied, Modified Approval, or a Deferral.

For day support criteria: the first task is to see if folks can go into supported employment. This is part of our employment requirements.

- **Deb:** I understand that RAS requests are made even when all RAS requests aren't agreed on by the team. Is there a way to see if a request is not unanimously agreed upon? Do you want to streamline the process?
 - **Paul:** By definition, the support coordinator should be defining the needs versus wants assessment. Even if there was a formal checkbox, there would still be a conversation on each meeting.
 - **Krissie:** It is a very informal process because of the support coordinator. I don't think we should formalize it at all.

Steve: Each case is so individual and complex. The biggest concern is the support coordinator will say to the consumer that they don't support a submission. It is a fine line of keeping everyone happy.

- **Marsha:** We wanted to support an individual in a group home, but the RAS was only funded for a short period one-time.
- **Steve:** Sometimes you don't want to tie up money. It is a difficult decision when it is provided using nursing care alone.
- **Paul:** in the last committee meeting, the State Auditors were present. It will be interesting to see what they have to say on the process.

If we could get any feedback soon, that would be very helpful. I would really appreciate it this body's input.

- **Dustin:** It might be helpful to get an electronic version.
- **Ryan:** I will send out

Worker's Compensation Bill presented by Troy Justensen:

The proposed bill concerns people who work under the SAS model. There are about 1,000 people in this model that are paid for by State dollars through DSPD. These people are not covered under workers compensation. The person's home owner insurance would be at issue if an issue were to arise. Utah appears to be the only state does not cover publicly funded providers. Other states provide Workers Compensation through a paycheck deduction.

Representative Becky is currently looking at providing these workers with compensation. This would be a reduction because it is an insurance coverage for those individuals in the SAS model. We estimate on the information, there would be a 3.2% for the cost of operation coverage. A Compensation Board through DWS have been briefed on this issue. They are considering if they will offer support for this process. The final draft is being revised though it does not have a bill name at this time. The Representative is still on track to introduce this legislation to the legislature.

It is not a bill that will cover private home community based services. We have the support of several organizations. We realize it is a cost factor. However, it is necessary to have insurance. It is a necessary process that these individuals have coverage to themselves and the families they serve.

We are working on a document to put on the Utah Disabilities Council's website. We do understand it is an expense, but it should be covered.

By the nature of having coverage, the person has already moved their right against an individual or the state. The insurance, once accepted, reduces the litigation expense to other groups.

- **Deb:** is the rep considering an appropriation for this if it passes?
 - **Troy:** The changes have no fiscal note attached to it. Would there be an appropriation for the additional 3%? I would need to consult with the Becky to

give an accurate answer. I don't know at this time if she has made an appropriation.

- **Paul:** Normally once a bill is introduced, the agency reviews the bill and notes a fiscal impact.
 - **Deb:** I assume you will have time to look at this?
 - **Paul:** The expect agencies to read through the bill, give calculations, and give it back that day.
- **Dustin:** Do you know how much money goes into the SAS system and how much 3% would be?
 - **Paul:** We ran some data and let this group know.
 - **Dustin:** if SAS families didn't want to support that, would the SAS consider the ability to take that out?
 - **Paul:** We should fund only what is needed. We would have to assess the budgets.
 - **Deb:** For some of the larger SAS budgets, it could be substantial.
- **Troy:** It is also important to know that anyone that works less than 5 hours, that person would not be considered and would not have Workers Compensation.
 - **Deb:** Could the time be averaged between weeks?
 - **Troy:** Not right now as it is written.
- **Krissie:** I think this is a good idea. We had several families with issues. It also raises the issue about families that rent the home. How would they be covered?
 - **Peggy:** Like Krissie, I see there is a need for individuals. It is the "what if" in insurance.

Troy: We haven't had a serious injury yet. That doesn't mean an issue wouldn't come up. There is a substantial risk in the meantime. Anecdotally, there are stories of professionals being told not to work in this model because they aren't covered. This means we are losing a pool of potential providers.
- **Deb:** Do we provide support?
 - **Paul:** It might not be appropriate as this Council to do so, since it was formed by the Executive branch of government support, since he might not support it.
- **Dustin:** We would want to see the bill first.
- **Troy:** Additionally, the representative is seeking to promote access to post-secondary educational and career oriented, its. I think she would like Utah to be with the rest of the nation on this effort as well.

Tricia Jones-Parkin Introduces the Strategic Plan for Employment First

The Council has heard presentation and provided feedback on this topic before. I wanted to provide an update. Despite of all the research, people continue to enter into facility-

based settings. Researchers have also found that many of these individuals would consider community employment.

When I first presented this, I said there would be a lot of stakeholder collaboration. As you can see, we have had a large swath of representation to formulating our approach.

The Context Statement is presented with input from all three agencies named in the Employment First legislation. Once we are able to clean up our data, we will be able to articulate more absolute numbers.

There are four strategic issues:

1. Stakeholder Education: How do we increase the understanding of Employment First for all stakeholders? One idea is to present at the annual Provider Conference.
 2. Financing and Contracting Methods: Our strategy is to remove barriers in rate setting and service code descriptions. We are aware this will be a momentous task requiring a great deal of time.
 - **Deb:** With stakeholders or within the agency?
 - **Tricia:** This is within our own agency
 - **Paul:** we will obviously be asking for stakeholder feedback.
 3. Services and Service Innovation: We can have all the greatest legislation, but will not move forward without a deliverable service.
 4. Performance Management: To see if any of this makes a difference, we will have to measure our results. Amie is working on getting better data.
- **Peggy** makes a motion to approve and support the work.
 - Seconded by all Council members.

Ed Whiting Presents on Adaptive and Specialized Equipment:

Quite often, items get kicked back to me in the RAS process. This checklist should make those answers more accessible. The RAS committee can then determine if it is required or not. Everything has to have a medical justification to be added to our Waiver.

In order to use Medicaid funds, we have to make sure the item cannot be purchased through private insurance or home insurance.

- **Deb:** Do you need a denial for these to proceed?
- **Ed:** Yes. This is something the support coordinator should be providing.

Vendors often know what is needed and certain vendors may be willing to fight for an appeal.

A lot of people are saying what is the RAS approval and the RAS committee will send this information. I have also placed the positions and individuals in the Division for contact in this new form.

Now, once there is approval, it is usually quite fast. There is a new 295. We have come up with a system where some vendors would go months before getting paid. Now the pay can come much quicker.

- **Krissie:** We have to have the date completed on the 295, I don't know how it would work.
 - **Ed:** It has changed. The support coordinator takes it to the vendor. At this point, the vendor needs to know they don't have authorization yet. Next it gets taken to Mike or Darcy (in the Division), they will sign it-with all accompanying documentation, and then it goes to Becky. Becky sends it to OFO (under 5,000 dollars), once they give the approval, Becky opens it into the CAPS system, and an email will be sent.
- **Krissie:** They can get approved before doing the work?
 - **Ed:** Yes.
- **Krissie:** I liked how this outlined, but I feel it still gets clogged up.
 - **Ed:** You can go onto the Google Doc and see where it is held up.
 - **Krisse:** But we aren't getting an email back on the missing documentation.
 - **Peggy:** Does this make since to you Krissie? You've had more experience than most here.
 - **Krissie:** Yes. Previously the process was quite unclear.
 - **Deb:** It would be nice to see a guideline of how long this process takes.
 - **Ed:** I am a little at the mercy of the vendor.
 - **Krissie:** It might be helpful to have generalized time line and highlighting that we have to know it is now our responsibility. Highlight what is different from the previous process. That would certainly be helpful.
- **Paul:** Our next steps are to take the feedback into the process and then send it for review. It might be helpful to do a statewide training on this process.
- **Kristen:** Will this speed up how long it takes vendors to get paid?
 - **Ed:** Yes.

Council Business:

- The Council reached 4:00 and moved the remaining to be considered for the next meeting agenda.
- Krissie Summerhays is announced as the new Vice-Chair.

Motion to Adjourn

- Dustin presented a motion to adjourn
- Peggy seconded the motion.

The next meeting will be: February 25th at 2:00pm at the Multi-Agency State Office Building, Conference Room 1020C

Minutes Approved _____.

Chairperson Signature

With Amendment Without Amendment