



**Advisory Council on Quality Supports for Individuals with
Intellectual/Developmental Disabilities and Their Families**

June 14, 2018

9:30 am to 4:00 pm

**Location: CDD – Center for Development and Disability
2300 Menaul Blvd. NE, Albuquerque, NM 87107, Room 103**

Mission: *The Advisory Council advises the New Mexico Department of Health on the systems guiding the provision of services and supports that assist people with Intellectual/Developmental Disabilities of all ages and their families to be fully included in New Mexico communities.*

Vision: *People with Intellectual/Developmental Disabilities of all ages and their families receive the supports and services needed to live inclusively and as independently as possible within their community.*

Attendees:

Members: Gabriella Ramos, Danny Palma, Kathleen Holmes Cates, Lecie McNees, Virginia Lynch, Phyllis Shingle, April Spaulding, Sandy Skaar, June Montoya, Fritz Hardy (for Doris Hustad), Mark Taylor, Joyce Munoz (by phone), Dan DePalma

State Employees: Annabelle Martinez, Cassandra DeCamp, Chris Futey, Jim Copeland, Kathy Kunkel, Marc Kolman, Regina Lewis, Scot Good, Shadee Brown, Tracy Agiovlasitis, Daniel Lucero, Elaine Hill, Sarah Winters

Guests: Jerry Bartley, Lois Painter, Pamela Stafford, Robert Kegel

1. Call to Order 9:41 am

2. Welcome and Introductions and ACQ Housekeeping 10:30 – 11:00 Patrick/Kathleen

- Introductions
- Name Tents
- Approve summary from the February 8, 2018 meeting: Motion to approve the February 8, 2018 summary was made by Mark Taylor, seconded by Joyce Munoz, all in favor, approved.
- Ground Rules
- Public Comment and Open Agenda Items
- Membership:
3 packets are currently at the Governor's office; Katherine Zmeskal, Walt Benson, and Jerry Bartling. The ACQ is still looking to recruit parents and self-advocates. Patrick will email a recruiting flyer to Chris/Kathy to be distributed to all members. A suggestion was made that the ACQ Executive Committee mentor new members, if need be. Also, transmitting the meetings by zoom/teleconferencing, may assist with recruiting new members.
Vetting:

There was discussion about the re-vetting process about ACQ members. Kathy Baker will check with Governor's office.

- Partner Form:
Kathleen Cates submitted a partner form that asks specific questions about Centennial Care.
- Evaluation Forms:
7 people filled evaluation forms last meeting. There was discussion on who completes the evals and if they should be opened up to everyone at the meeting, state partners and ACQ members, or leave it as is with just the ACQ members completing the evaluations.
- Public comment:
The idea to have two "public comment" periods was discussed. It was also suggested that "Public Comment" be taken away from the Housekeeping section of the agenda. An Individual who works for ABQ ride, and through Sun Van, discussed that they can provide transportation to the meeting for individuals. She is a parent of an individual on the Waiting List. Executive Committee members encouraged her to stay when she realized it wasn't Public Comment time.

3. Update from Jim Copeland:

- Jim C. discussed upcoming Jackson litigation activity and the LFC evaluation of the DDW.
- Committee members asked if the Jackson status meeting was an open meeting. Jim's response was that they could ask Kathy Kunkel this afternoon. (Look up DRNM Director and ask Kunkel).
- There was discussion about getting self-advocates involved in the ACQ and how the state can get parent advocates involved.
- Would like for the DRNM Director to come and speak to ACQ on his role.
- There was a discussion about the NM Allies for Advocacy meeting. It was a great meeting for state and parents to come together and voice their opinions. There was a lot of good conversation and there is a follow-up meeting scheduled. Would encourage everyone to attend it. Wendy Corry is coordinating through the DDPC.
- Joyce asked about slots being open with deaths and individuals moving. Why are they not being filled? Jim deferred to Cassandra DeCamp. She will answer during her presentation but mentioned that funding is a huge issue. The cost to serve each client has gone up and we must take that into account as well.
- DD Waiver rate study will be done sometime early next year that will include Mi Via and Med Frag.
- If you have questions, my office number 841-8688 or email jim.copeland@state.nm.us

4. Centennial Care Usage date per service – Annabelle Martinez:

- Data pulled for today is for 16-21 years old.
- Partner form had a few questions:
How many people are receiving community benefits? It offers agency based services and self-directed. 6,475 are currently on the list; and ran a match of 5,642 and of those 39 were deceased, 28 clients didn't match completely and 766 were unable to identify in system and 1,544 that did not have a MCO. 4,098 had a clean match, MCO and ID that have a benefit.

Blue Cross/Blue Shield: have 650 on central registry, 136 have community benefits, out of 136, 15 clients for 16-21-year-old have community benefits. There are 120 that does not. *United Healthcare:* 473 on registry, 236 have community benefits, 15 clients between 13-21 yrs., 51 not included on benefit for that age group.

Molina: 1461 on registry, 623 in community benefits, 58 are 16-21 yrs. old, 320 that are not in community benefit.

Presbyterian: 1,524 on registry, 360 have community benefits, 74 are 16-21 yrs. old, 331 do not have community benefits in age group.

Community benefits is when a client chooses a MCO for Medicaid, the MCO has coordinators for client, do an assessment and for level of care. Depending on level of care they are match for these community benefits. Assist for finding providers, every client starts off with 108 days.

- Brochures on community benefit are available.
- Total of 296 clients that are in between 16-21 years old that do not have MCOs who did not qualify or apply for Medicaid who are on the central registry.
- Is HSD going to work with MCOs to work with people who are not in community benefits? Do you have the numbers for 18 years and older? Why is the range 16-21 years old? There was a memorial several years ago and it is included in the wise plan. She recommended that they Submit request in writing on a partner form.

5. DDS Training Unit Update – Christ Futey:

- Introduced Sarah Winters as the new training manager. Phone # is: 505-659-5013
- Have 2 new trainings:
 - Indications from Illness & Injury: Chris and Sarah have received recommendations for some training modifications
 - On-line ANE training: ANE refresher training is now available online as well
- Both trainings are on the CDD.edu training website. Available for everyone to take.
- Looking at alternatives for translation for online trainings.
- Starting to work on ANE training for individuals served on the waiver. The slides that are used now will be modified to help individuals understand.
- Chris will look into available computers at the BOW that may be used for trainings.

6. Subcommittee Updates:

I & E: Cassandra DeCamp

- Losing C. Gabriel in the SW region, she will be leaving on the 27th of May. SW office has been assisting other regions processing case files. Contact for SW regional office is Bernice Rivera 575-528-5195.
- Processed a backlog of around 1500 files. As of the end of last quarter, 627 cases have been processed. Still receiving a large number of applications, last quarter received 400 new applications. 4,348 currently on the waiting list. We have seen an increase in fair hearings due to processing a large amount. Goal is to not have registrations older than 6 months.
- Anyone, at any age can apply, if you have a Social Security # or a TIN #.
- The registration form has been updated and it is on the DOH website, under the Intake and Eligibility portion. Fax it, drop it off, by phone, or on the website.
- There are set criteria for an expedited allocation that are in the expedited allocation policy. An individual must contact each regional office's liaison to apply, based on the policy, which is then staffed by the Expedited Allocation Review Committee. If an

expedited allocation is recommended by the committee, it is then sent for our Division Director's review and subsequent approval or denial. There is not a waiting list for expedited allocations, not really taking any expedited allocations now due to no resources.

- Currently allocating the group for FY19. Allocation group approved by legislature for allocations for 80 people. The average cost has increased, currently at \$78,000. Of the 80 allocations, 70 will come from the larger pot and the other 10 will come from expedited allocations.
- By region, proportionately divided. Metro: 32, South East: 12, Southwest: 11, Northwest: 8, Northeast 7. We are doing replacements not attritions (when someone leaves or refuses service). Letters are being mailed out tomorrow April 13th, if no response, they will receive an application closure letter and DDS will wait 2 weeks and then they will receive a case closure letter. Will also do follow up.
- We are offering allocation fairs again. Fairs dates:
Metro: April 19th at 1:00 pm & 6:00pm. New allocations registration dates end at 6/20/05.
Hobbs (tentatively scheduled): April 23rd at 5:30 pm.
Las Cruces: April 23rd at the library at 5:00 pm. New allocations registration dates end at 10/19/05.
Roswell: April 24th at 5:30 pm at the Regional Office. New allocations registration dates end at 5/17/07.
Gallup: April 24th at 2:00 pm at the Regional Office. New allocations registration dates end at 1/18/06.
Santa Fe: April 25th at DDS office at 3:30 pm. New allocations registration dates end at 8/31/05.

Policy & Quality: Chris Futey

- Talked about ANE training and review of the provider Summary for case managers. Discussed it at the case managers directors meeting.
- Do you have any plans to include consultants in the Provider Summary? No, Chris indicated he didn't.

MVAC: Regina Lewis

- Met on Jan. 25, 2018, next meeting is on April 16, 2018.
- Presentation by Brad on NM Able accounts in conjunction with Attorney General and Treasurer office's. Now have an Able website: Ablenm.com. Ability to use Mi Via budgets transferred to Able accounts.
- Med. Frag. Advisory Group working to develop special unit to have a discharge planner. Electronic Visit Verification (a requirement from CMS, a way to verify that the service is provided) will be discussed at the next meeting.
- Receiving inquiries from vendor agencies regarding electronic signatures – will be discussed at the next meeting.
- Introduced Elaine Hill, new DDS Mi Via Program Coordinator.

Service Model Subcommittee: Lecie M.

- This subcommittee had two partner forms concerning non-ambulatory stipend. The subcommittee met and formulated 3 ideas.
1st idea: Could we expand the Non-ambulatory stipend and use it for other uses during the day?
2nd idea: Customize in-home supports. It is not a residential specific service, it is for the extra help to gain more independence.

3rd idea: Home health aid from Mi Via. Could we move that service from one waiver to another?

- We meet on Wednesday at 9:00 am on the 9th floor at the Bank of the West, anyone can attend. This is a brainstorming committee, we will take our ideas to DDSD

- **Rate Study:**

Only received 2 nominations to be on evaluative committee. Both nominees have accepted, Peggy O'Neil and Cathy Phoenix-Doyle. They will represent stakeholders to pick the organization to look at the rate study.

7. Litigation Management Update – Daniel Lucero:

- 60B5 motion was filed in August 2015. Made the argument that the Federal Government was dictating State services in violation of Principle of Federalism. District court denied in June 2106 and we appealed to the 10th circuit in December. 10th Circuit asked the lower court to identify violations.
- Recently submitted Supplemental 60B5, we have made a lot of changes. Status Conference is on April 24th with Judge Parker and will have an idea on how the trial will be scheduled.
- Kathy is unsure if the April 24 Status Conference is an open
- Plaintiffs have the motion and will respond. She encourages individuals to read the motion, which is a public record.
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8. Wise Plan – Kathleen Cates:

- 2 months ago, felt like we made huge progress in the last 3 years.
- The Wise Plan is a difficult document to work with.
- Kathleen asked if the ACQ would choose to keep the Wise Plan? The majority of the people said they would like to replace it

9. Public Comment:

- ACQ committee will be making some changes regarding the public comment for future meetings.

Lois Painter - Parent: Lois Painter, parent, had some questions and concerns regarding her daughter being allocated. She gave the history of her daughter's experiences as she is waiting to be allocated. Several members of the ACQ offered ideas for support to Lois. She listed concerns and issues with the DDW system.

Pam Stafford - ARC of NM, Director of Policy.

Stated that ARC, in conjunction with Mi Via, is having a meeting on May 8 at Workforce Solutions. ARC does not provide employment services, wanted to explain how the monthly rate is supposed to work. The monthly rate is supposed to be a range of hours from 1-240. The reason for a monthly rate is to have this evenly spread out. \$788 that's how much all agencies are getting paid. 10 years later, now getting \$800/month, minimum wage was \$7.50/hr. but paid \$8.60. 10 years later, CDD now getting \$944. CDD offers free training for employment services. Email pstanford@arcnm.org.

Robert Kagle – Parent. Over 34 years ago helped with original waiver. We got parents in and convinced legislation that it would be cheaper in the community and provide jobs. He has watched this program grow and grow over time. We come to the point this morning, with Jim Copeland saying that it is not sustainable due to rising costs. We saved costs by not putting individuals in institutions. LCFM had an average budget of \$108,000. This idea that the waiver is so expensive compared to something else is ridiculous. What we have is a comprehensive waiver, other waivers have a supports waiver. When we compare ours to other states, we are expensive. As a percentage of Medicaid spending, IDD got 14% of our Medicaid budget, it had dropped to 9% of that. If you look the average number has dropped.

If we were to take our waiting list and give them a \$20,000 budget, we would have no waiting list. Some legislators feel that we need a waiting list as protection. Here is the reality, we know what we are reporting, the reality is that it is much longer than that. The Legislature found out that they are the ones who determine the waiting list, the FIR reports that they will put in 104 people. We expect to have 80 new people on the waiver, that is not true, they are not replacing the people who passed away. Go to DD Waiver waitlist on youtube.com and listen to what the DOH Secretary says on getting the \$2 million. Texas has 4,000 people in institutions, spending \$4 billion dollars. When we compare our waiver to Texas, they are doing it so much cheaper. During the session, it was stated to not worry about the waiting list because all these people are getting Centennial Care. 40 Legislators from both parties decided to request the Attorney General to investigate on what services were being provided to people on the list. Specifically, on the waiting list and scope of services and how much it costs. The reason is because DOH could not answer those questions in the Senate and House hearings and stated that they would get back to them, which did not happen. We sit here today with same question. They did it based on the central registry which is not the right place to start because they may or may not qualify for the waiver.

He also made some comments about the appropriate people being represented on the ACQ (native Americans for instance) and sited the Human Rights Act.

Subcommittee meetings will be all day on June 13th starting at 9:00 am.

Please fill out evaluation forms.

9. Closing:

Meeting adjourned at 4:17 pm