



# Advisory Council on Quality Supports for Individuals with Intellectual/Developmental Disabilities

## APRIL 9, 2020 ZOOM MEETING MINUTES

### MEMBERS

Virginia Lynch, Gabriela Ramos, Lily Martinez, April Spaulding, Angelique Tafoya, Patrick Anaya, Kathleen Cates, Stevie Bass, Dan De Paula, Cathy Salazar, Sandy Skarr, Tracy Perry, Sandra Woodward, Lori Steward, Daniel Eckman, Lisa Blue, Veronica Chavez-Neuman, Allyson Rhatigan

### MEMBERS ABSENT

Mark Taylor, Walt Benson, Laura Matthews, Joyce Munoz, Jerry Bartley, Christina Barden

### STATE AGENCY NON-VOTING PARTNERS

Tanya Baker-McCue, Brad Hill, Amira Rasheed, Anthony Alarid

### STATE AGENCIES

Jason Cornwell, Marc Kolman, Chris Futey, Iris Clevenger, Marie Velasco, Cassandra DeCamp, Melanie Buenviaje, Christina Hill, Sheryl Springer, Lori Pacheco, Anthony Alarid, Deb Vering, Scott Doan, Lori Stewart, Jennifer Roth

### GUESTS

Wendy Corry, Lourdes Vizcarra, Lecie McNeese, Jim Gardner, Sheryl Trail, Jenny Lynch

### WELCOME, INTRODUCTIONS

Patrick Anaya welcomed ACQ members and guests to the two-hour Zoom meeting. The ACQ will elect Co-Chairs at the next face-to-face meeting. Members and guests introduced themselves. Melanie Bueviaje introduced two new HSD staff members, Victoria Herrera, Supports Waiver Staff Manager and Laurie Pacheco, Medically Fragile and Mi Via Staff Manager.

### ACQ MEMBERSHIP LIST/ACQ DESIGNEE PROCESS/CO-CHAIR NOMINATION PROCESS

Marc Kolman stated the ACQ Membership List was emailed a few days ago. The new ACQ Designee Form will be emailed prior to each meeting. Co-Chair candidates are to send a letter of interest and a resume to the ACQ Coordinator.

### COVID-19 UPDATE

Scott Doan and Jason Cornwell reported. DDS has sent several COVID-19 Guidance Memos to the field. Day programs were closed on March 16 due to COVID-19 restrictions. DDS worked with HSD to develop an Appendix K to the DD Waiver to address pandemic/emergency situations. Appendix K has been approved by the federal government. The federal government was asked to allow day services to be provided in the home and discontinue all face to face visits and therapy services. General events reporting has been revised to include a special section on exposures, symptoms, and positive tests. Chris Futey sends this information to the Regional Offices every morning.

The information is used to determine next steps such as isolation or testing. In March, regional office staff visited all single supportive living homes to provide literature on COVID-19 protection and visitor signage to track every person going in and out of the homes. All providers have been contacted. A guidance document on the level of care process has been disseminated. DDS worked with HSD and the Centers for Medicare and Medicaid Services (CMS) on the Annual Level of Care so individuals can remain eligible. DDS worked with HSD to develop and disseminate guidance on fingerprinting. DDS also worked with DHI and HSD on surveys. All surveys have been placed on hold except for the federally mandated 3-year survey which will be a desk, not a face-to-face survey. Doctor visits are being done telephonically or by videoconferencing. Nurse visits are being done telephonically. A guidance series on taking temperature in the homes was disseminated. A temperature above 100.4 is of concern. Taking temperatures of individuals and staff may become a mandated requirement. DDS is working with HSD to complete a second version of Appendix K to provide information such as seeking employment outside the home. Hazard pay for direct support staff is attached to funding availability. Guidance for Mi Via providers and vendors about day supports in the participant's home will be provided. State General Fund (SGF) providers are to report anyone experiencing COVID-19 symptoms. Jason is now the DDS Deputy Cabinet Secretary but is available as needed. Scott Doan will be taking over for Jason. Let DDS know if there is a need to expedite testing to protect people in services. All moves from home to home, county to county or city to city are on hold unless the move is related to public health. COVID-19 restrictions are in force until April 30 and the Governor will inform us if the restrictions will continue past this date. Appendix K provides an increase in assistive technology funding that will be used for training and monitoring. It also provides approval to exceed the limit of 4 individuals in a home. Therapy services are being provided telephonically. Case managers and therapists are working together to provide services. Customized community supports are being allowed so day services can be provided in the home. There are retainer payments to allow providers to draw down 80% of the budget to prevent provider loss.

Jason Cornwell stated everyone is doing their best to protect clients and their service providers. New Mexico is expecting a surge of cases in the next two weeks. Tribal communities are experiencing a spread. DDS lines of communication are open. Please let DDS know what should be added to Appendix K. DDS staff are wearing a cloth mask at work. DDS will be recommending that everyone consider wearing a cloth mask. Clients in homes with suspected COVID-19 are being checked 2 to 3 times per day. We have had workers test positive. Jason thanked the DDS team, advocacy partners, and the meeting participants.

*Question:*

Cathy Salazar – How will employees receive 80% of their pay if families are not letting staff in because of the risk to their medically complex family members? How far back can DDS pay employees?

*Responses:*

Jason Cornwell - Speak to Jennifer Rodriguez about FOcOS questions. The start date for the Mi Via Guidance document is March 16th and the end date is June 30<sup>th</sup>. We will extend the eligibility period if needed.

Scott Doan - The Mi Via Guidance was disseminated yesterday, April 8<sup>th</sup>. Employers are to bill the current code in FOcOS up to 80%.

Melanie Buenviaje - Participants and/or the employer of record must still approve the time and vendor request forms in FOcOS.

*Question:*

Alison Rhatigan – I am a parent of a child in DD Waiver child pend status. COVID-19 risks the life of our children. DDSD leadership, the Secretary and our Governor deserve our gratitude for everything being done. My family is taking all precautions but we have unmet needs which are safely accessing groceries and sanitation supplies, dealing with the impact of school closures, and no direct therapy. Our children on child pend status have lost their school therapy services and being coached through videoconferencing is not working that well. We are trying to purchase equipment needed to help our children. What can be done now to help families like mine?

*Responses:*

Jason Cornwell – I don't have an answer right now but I now know our team needs to work on access to groceries, sanitation supplies and equipment for our child pend population.

Scott Doan – Therapies are the one need about which DDSD has had long conversations. We know how important therapies are for children and adults. COVID cases are being spread by asymptomatic people so we had to make the decision to limit home contact and provide therapies via videoconferencing.

*Question:*

Veronica Chavez-Neuman – Thanked DDSD and Jason Cornwell for their proactive leadership. As the CEO of the ARC of New Mexico, we are concerned about the timeline. The Governor can only mandate a reasonable stay at home order. With the surge in New Mexico expected in the next two weeks, and an increase in cases expected over the next three to four weeks, it seems like the health crisis will extend beyond the April 30<sup>th</sup> date. How are we going to manage health concerns for our children and adults over the long haul?

*Response:*

Jason Cornwell – Governor will extend the stay at home order based on the health of our state. Even when the weather warms up, we can't assume the virus will be gone. We are reducing the surge to not overwhelm our hospitals. After the restrictions are lifted, if families do not elect face-to-face visits, we will address this in our waiver structures. At DDSD, our role is to create options for people to be able to make informed choices, such as opting for telehealth services. Some of the changes we have

had to make may prove beneficial in the long run. Some of the emerging precaution changes we have made have degraded our ability to provide oversight and connection. We will use what we are learning to keep moving forward. Some decision we have made are worth continuing after the health crisis is over.

### **SUPPORTS WAIVER UPDATE**

Jennifer Roth, Supports Waiver Program Manager, provided the update. She expressed gratitude to everyone who continue to work to move the Supports Waiver forward during these COVID-19 restrictions. The application has been submitted to CMS and a response is expected between now and July 1. The Supports Waiver Standards draft is on the Supports Waiver page on the DDS website. A call for providers was issued on May 20<sup>th</sup>. An additional call for providers will be sent out in the next couple of weeks. For Support Waiver questions, contact Jennifer at [jennifer.roth@state.nm.us](mailto:jennifer.roth@state.nm.us).

### **DD WAIVER RATE UPDATE**

Jason Cornwell reported. A letter was just sent out about the decisions made regarding legislative appropriations for this year. The DD Waiver, the Mi Via Waiver and the Medically Fragile Waiver all needed significant increases to bring reimbursement up to the cost of providing the services. We asked for \$15.2 million but we were awarded \$5.9 million. We will go back every legislative session until we have the \$15.2 million. The Governor will call a legislative session in July. It looks like we will keep the funding we were appropriated and we are working to begin using the funds now. We reconvened the work group and requested input on how we should use the \$5.9 million. Therapy services, behavior supports, and other services that had not been funded in a while were expected to be high priorities. The surprising input was to use the funding to provide competitive rates for our direct support staff so we can attract and retain competent people. We were able to fund all Medically Fragile Waiver service rates. Rates will be effective October 1<sup>st</sup>. We will continue to advocate for the balance of the rate study. Decisions were made to use the funding to do the best for the most people. We know that direct support pay has to go up. Please refer to the letter for specifics.

#### *Question:*

April Spaulding – Will the Individual Respite Services Rate increase?

#### *Response:*

Jason Cornwell – The Individual Respite Services Rate is not earmarked for an increase. We will consider how we might fund an increase.

### **DDSD DIVISION DIRECTOR UPDATE**

Scott Doan reported. There have been changes to the DDSD organizational structure to bring alignment to the division. Jason Cornwell is the DOH Deputy Cabinet Secretary. DDSD has four Deputy Directors who are:

- Roberta Duran – Intake and Eligibility Bureau, Central Registry and Wait List, Litigation Management Bureau

- Marc Kolman – FIT Program, Bureau of Systems Improvement, Training Unit, General Events Reporting, Bureau of Behavioral Supports, Clinical Services Bureau
- Deb Vering – Chief Financial Officer and Administrative Services Bureau
- Scott Doan – State General Funds, Community Inclusion, Supports Waiver, Regional Offices.

#### Mi Via Update

Jason Cornwell reported. Mi Via oversight activities have been increased. The technical assistance contract is ongoing. DDSD asked 6 questions of the CMS consulting group such as which states have developed screening criteria to assess if individuals have the ability to self-direct. New Mexico's position is that anyone can self-direct if they have the necessary supports in place. We know that the Mi Via Program works for hundreds of people. People in Mi Via have the ability to buy therapy services over their base budgets. This information is in the standards. We are moving toward a more robust payment review process. All vendors must comply with progress note documentation.

Generalist staff conducted over 650 DD Waiver site visits this fiscal year. Nurses were hired to provide health and safety visits and 350 visits were provided since December. Behavioral support staff provided visits. A similar process will be developed for the Mi Via Waiver once we are not under COVID-19 restrictions. We are working with our advocacy partners to develop the process.

#### **PUBLIC COMMENT**

Lourdes Vizcarra – Our son was on the Medically Fragile Waiver for many years. Speech therapy via telehealth would not have worked for our son. The three concerns identified by Allison Rhatigan are critically important and need to be addressed. How do we help families with unique unmet needs?

Jason Cornwell – A group will be formed to brainstorm on the how to help families obtain groceries safely, obtain needed sanitation supplies and therapy equipment. Contact Iris Clevenger about the modifications made to the Medically Fragile Waiver. Here are some of the modifications:

1. Prior authorization requirements are temporarily suspended
2. Case management and private duty nursing can be provided telephonically
3. Supervision requirement for home health aides.

Iris Clevenger – Met with medically fragile nurses and compiled a list of medical needs. The medically fragile waiver is holding Zoom meetings for families. Lori Stewart is leading the effort. UNM CDD has set up a confidential Zoom meeting platform for case managers to speak with the families. There are some projected shortages in communities and HSD is being notified. Supplies are rehome if not needed. We are connecting folks with food pantries statewide. The COVID section on the DOH website is being used for both health and non-health concerns.

Judith Anaya – Our daughter is on the Medically Fragile Waiver. She is deaf blind and autistic. We are short on the supplies such bleach, wipes, and masks for blood draws. Is there a contingency plan on how to obtain these supplies? Families in rural area may not have Internet access or an iPad to access telehealth services. We are receiving one hour a day of telehealth services for her but this does not compare with the 8 hours per day of services that she used to receive before the COVID-19 restrictions. We had to let one of her nurses go because the nurse was not able to socially distance herself.

Melanie Buenviaje – On April 15 at 10:00 am, there will be a public hearing telephone conference for the Medically Fragile Waiver.

**CLOSING**

Patrick Anaya thanked ACQ members and guests. Marc Kolman thanked Patrick for facilitating the meeting. Patrick adjourned the meeting at 11:26 am.