



## **DDSD Advisory Council on Quality (ACQ) Meeting Notes Final Approved December 9, 2021**

### **MEMBERS PRESENT**

Lisa Blue (Co-chair), Daniel Ekman (Co-chair), Veronica Chavez-Neuman, Lily Martinez, Cathy Salazar, Patrick Anaya, Stevie Bass, Joyce Munoz, Dan De Paula, Tracy Perry, Angelique Tafoya, April Spaulding, Laura Matthews, Sandy Skaar, Jessica Gutierrez, Christina Barden, Cynthia Chavez, Judy Sena, Elisheva Levin, Allyson Rhatigan, Gabriela Ramos, Christine Bragg, Peter Crespín, Crystal Garcia, Siri Guru Nam Khalsa, Valerie Dewbre, Roel Adamson

### **MEMBERS ABSENT**

Peggy O'Neill- Excused absence

### **STATE AGENCY NON-VOTING PARTNERS PRESENT**

Alice Liu McCoy, Brad Hill, Jennifer Sanchez proxy for Gay Finlayson

### **STATE AGENCIES PRESENT**

Jason Cornwell, Marc Kolman, Marie Velasco, Kresta Opperman, Cassandra DeCamp, Victoria Herrera, Margaret Bost, Evangeline Yanez, Lindsay Sloan, Melanie Buenviaje, Michael Driskell, Christina Hill, Teresa Larson, Jennifer Roth, Sally Karingada, Angie Brooks, Chandelle Chavez, Deb Vering, Daniel Lucero

### **GUESTS**

Kristin Dark, Angela Ortega, Jessica Velarde, Krystal Ortiz, Robert Kegal, Tim Gardner, Susan Forbes, Lisa Mc Niven, Jim Copeland, Erika Tode, Ann Marie Parmenter, Jenni McNab, Jacob Patterson, Lt Governor Howie Morales, Dr. Ron Vorhees, Jim Farrell, Jackie Gebert, Johanna Armendariz, Chris Leroi, Luke Marquez

### **ACQ ADMINISTRATOR**

Wendy Corry

### **WELCOME/ ANNOUNCEMENTS**

- We are very excited to announce and congratulate our new ACQ Members who have been officially approved by the Governor's Office! Our ACQ membership is now complete.

Christine Bragg- family member  
Peggy O'Neill and Peter Crespín- providers  
Roel Adamson and Crystal Garcia- self-advocacy organizations

Valerie Dewbre- direct care provider  
Siri Guru Nam Khalsa- one other organization

- If you have any concerns you want to bring to the attention of the ACQ Exec. Comm. please contact any ACQ Exec. Comm. member (Daniel Ekman, Lisa Blue, Tracy Perry, Marc Kolman or Wendy Corry)

#### **ACQ PROCESS CLARIFICATION**

- An ACQ members asked for clarification on their understanding that an ACQ guest/nonmember, cannot make comments unless they are an ACQ member or proxy, except during public comment sessions.
- This understanding was confirmed by the ACQ co-chair.

#### **HSD RESPONSE TO OCTOBER ACTION ITEMS**

- Regarding the request from Community Benefits data, HSD is waiting for specific parameters from the ACQ Exec. Comm. and will then pull the data. HSD recommends pulling prior to COVID-19 and then during COVID-19.
- Regarding the request for a copy of PALCO Contract. HSD- This contract is held by **Conduent** and not HSD, so it is not on the HSD portal and is not HSD's document to release. HSD will talk to them and request how people can get that contract.
- Electronic PRF is being developed and is tentatively scheduled for release in January/February of 2022.
- HSD has held several meetings with members of the ACQ, DDS, as well as a meeting that included Lt. Gov. Morales. Consensus is these meetings have been very productive and HSD's initiative on these meetings was greatly appreciated.
- One discussion point during these meetings was about vendors having a place on MVAC. Two options were discussed- Vendors can either formally ask ACQ to review seats on MVAC or they can form their own professional association similar to ADCAP.

#### **REVIEW OF MINUTES FROM OCTOBER 2021**

- Minutes were approved with minor revisions. Gabriela Ramos moved to approve the minutes and Laura Matthews seconded the motion.

#### **PUBLIC COMMENT:**

- Public Comments are recorded through ZOOM and are available through the ACQ website at <https://www.nmhealth.org/about/ddsd/coco/acq/>

#### **DISCUSSION ON NURSING SHORTAGE AND POSSIBLE SOLUTIONS**

- Marc Kolman will reconvene the DDS Nursing Shortage Taskforce to include the Medically Fragile Advisory Board. Cynthia Chavez volunteered to be on this Taskforce.

#### **FORMATION OF NEW COMMITTEES**

- By-Laws Comm. volunteers: Marc Kolman, Brad Hill, Tracy Perry, Elisheva Levin, Siri Guru Nam Khalsa, Joel Davis, Crystal Garcia, Laura Matthews, Chris Leroi, Daniel Ekman
- EVV Comm. Volunteers: Angelique Tafoya, Cathy Salazar, Tracy Perry, Marc Kolman, Jenny McNabb, Roel Adamson, Christine Bragg, Laura Matthews
- Possible new Legislative Comm./Education Comm.- Peter Crespino stated the importance of this committee and he, Laura Matthews and Chris Leroi volunteered to be part of this

#### **COVID-19 UPDATE/DIRECTOR'S UPDATE- Jason Cornwell**

COVID Update- Jason Cornwell provided the COVID statistics for people receiving waiver services and this is attached with the minutes.

DDSD: Other Information- Jason Cornwell presented a PowerPoint (see attached) which included the following information:

- Human Rights Super Committee Call for Members Contact: Sabrina.james@state.nm.us
- Mi Via Standards Public Comment Period
- COVID Update including the new Public Health Order: [PHO120221.pdf \(nmhealth.org\)](#)
- State Fiscal Year Budget Request/Legislative Update
- Super Allocation Plan
- Service Rates- Amendment Required
  - An ACQ member expressed concern regarding the statements that had been made regarding monthly in-person visits and whether Participant or MVAC input had been solicited. Jason Cornwell stated that the MVAC had been consulted. This then led to the conversation and concerns expressed regarding the lack of a Quorum for so long.
- HCBS Spending Narrative Update [NM-HCBS-ARPA-Spending-Plan 07122021-2.pdf \(state.nm.us\)](#)
  1. Contract for Statewide Needs Assessment and HCBS Provider Capacity Study: One-time investment to conduct a statewide needs assessment and HCBS provider capacity study to build capacity and transform a critical safety net to support and empower New Mexicans. Includes service utilization review and direct service provider workforce assessment.
  2. Temporary Economic Recovery Payment: One-time recovery payments for all HCBS providers phased-out over a period of three payments – 15% payment in year one, 10% payment in year two, 5% payment in year three.

#### **NM LT GOVERNOR MORALES**

- Lt. Governor Morales thanked the ACQ and the leadership of DDSD and HSD for their dedication and hard work and stated it is definitely making a difference. “Now is the time we can make generational change. We are going to make sure we work with the Legislature to provide the funding. We have a Governor and the majority of the Legislature that feels the same way about the generational change. There is no better way to invest dollars than investing in families and individuals with disabilities.”

#### **FY 21 MORTALITY REVIEW COMMITTEE ANNUAL REPORT- Daniel Lucero and Dr. Ronald Voorhees**

- The FY 21 Mortality Review Committee Annual Report was reviewed in depth and the PowerPoint sent to all ACQ interested parties.

#### **STANDING COMMITTEE UPDATES:**

##### **MI Via Matters-Stevie Bass**

- The committee received a draft of the proposed Mi Via updated service standards and descriptions but found it very difficult to understand due to multiple colors, marks, etc. being given on the report. HSD- the edits are there for full transparency to show what language has been changed, added, removed, or proposed.
- MVAC did not have a quorum for third straight meeting, the next MVAC meeting is January 27, 2022.
- There is a rate study going on for 5 Mi Via rates. Higher rates are definitely needed.
- Discussion of Employee of Record (EOR), which has been an unpaid position to avoid conflict of interest. It is very hard to get someone to spend the time to do EOR responsibilities without being paid. State trying to figure out how to improve that and hoping to move into a paid waiver service (referred to as corporate EOR system). A corporate EOR will NOT be mandated, it is an option for people who do not otherwise have access to an EOR.
- At HSD's request, MVAC drafted a very thorough 24-page report related to NMAC. HSD thanked MVAC for their incredible work and will be responding to the report in full.

#### **ELECTRONIC VERIFICATION VISITATION (EVV) UPDATE- Melanie Buenviaje and Marc Kolman**

- HSD distributed a CMS PowerPoint on EVV
- Can NM use the In-Home Living Supports exemption? HSD wants one full year of implementation data for review before discussing any changes. The date of implementation needs to be determined.
- How does EVV prevent fraud? The vision of EVV is to enhance health and welfare according to CMS. Goal is to measure accurate delivery of services, that services fulfill goal of individuals budget and for services to lead to better health outcomes of the participants. Documenting service delivery, a code for type of service and activity codes that would capture what people did. One goal for EVV is reducing human error in time sheets. EVV data will be used to report to CMS on performance measures.
- What is Phase 2 and when will this be implemented? Late Spring of 2022 after April. Two major changes are that the claims will be generated by PALCO for EVV services on agency side and the complete transition to PALCO Connect on self-directed side. Self-directed and Supports Waiver very different than Community Benefit. Under Community Benefit, EORs have to go into two different systems to approve time.
- Concern was raised regarding EVV and the personal data users can see for people they do not support directly. HSD will look into this.
- When will the FOCUS system change to PALCO Connect? The dates not finalized but will be late Spring. Will get it in the Mi Via newsletter as soon as they get the date. Encouraging EORs to fill out the EOR packet if they receive one so the information can be transferred from TNT to PALCO. Still have 600 open. No way for PALCO to reach out to NMTRD to resolve tax issues without that paperwork being filled out.

## **PUBLIC COMMENT:**

- Public Comments are recorded through ZOOM and are available through the ACQ website at <https://www.nmhealth.org/about/ddsd/coco/acq/>

## **QUESTIONS AND ANSWERS-**

- Discussion on MVAC and the specific membership requirements.
- Concern expressed about the lack of quorum for the last three meetings.
- People want to make sure everyone has a seat at the table so feedback from various perspectives is being provided, including vendors, the southern part of the state, EOR's etc.
- DDS D has been hearing concerns about the lack of vendor representation on MVAC.
- DDS D displayed the MVAC bylaws regarding membership. The language is not very precise when compared to the ACQ current bylaws.
- It was suggested that the ACQ recommend that the MVAC look at their membership paragraph and make it more like the ACQ. This would give vendors the representation they seek but would still follow through when it comes to the self-directed approach of Mi Via. ACQ bylaws define who the voting members are and states how many of what role. MVAC bylaws are not as specific or precise
- It was recommended that a motion be made for the ACQ to vote on asking the MVAC to examine the membership paragraph in its bylaws and define it a bit more precisely.
- Peter Crespin made the following motion: "Motion to make a request of the MVAC to make a study of its openings to see if they have space to allow vendor agencies to be represented." Tracy Perry seconded.
- The motion was approved with a quorum of 16 ACQ members. There were zero "no" votes or abstentions.
- The MVAC bylaws are five years old and need to be revised.

## **ACTION ITEMS:**

- The ACQ Exec. Comm. will provide the specific details needed by HSD for the Community Benefits data request.
- HSD will explore who the contact is for people to request a copy of the PALCO contract.
- Request to MVAC to "make a study of its openings to see if they have space to allow vendor agencies to be represented".
- Marc Kolman will reconvene the DDS D Nursing Shortage Taskforce to include the Medically Fragile Advisory Board.
- Reconvene the By-Laws Committee
- Start an EVV Comm.

The meeting was adjourned at 2:03 pm

The next ACQ meeting will be Thursday, February 10, 2022