

Consumer Task Force
Capitol View Building, Conference Room A
October 23, 2007, 10:00 am - noon
MINUTES

ATTENDEES: Jacqui Day, Sara Harrison, Michael Daschlein, Joe Longcor, Nora Barkey, RoAnne Chaney, Tari Muniz, Jill Gerrie, Laura Hall, John Jokish, Jack Vint, Mary Ablan, Marion Owen, Susan Steinke, Colleen Widder, Suanne McBrien, Sharon Hold, Jackie Tichnell, Linda Kusnier

Introductions - Sharon Hold from Allegan County has joined the Consumer Task Force. WELCOME SHARON !

Minutes - September minutes were approved with the following correction.

- Self-Advocacy Network corrected phone number is:
517-487-5426-x106
- The Medicaid Infrastructure Grant has been clarified as follows:
On September 14, there was a second presentation of the benefits planner web site; www.db101.org by Brian McDonnell of California.

September Executive Committee Minutes - Laura was unable to find someone from CBC to present. Jackie will pursue with CBC.

Estate Recovery - Linda Kusnier, MSA, provided information on three areas: divestment, estate recovery, and partnerships.

- Divestment - the new Deficit Reduction Act included changes to the divestment policy that were effective the date the President signed the act.
 - New policy states that persons who transfer resources for less than fair market value will be penalized from the date eligibility is determined.
 - It also changed the look-back period to 60 months for all transfers of less than fair market value. The method of

calculating the divestment penalty will depend on the date of the transfer (before or after the Act was signed - February 8, 2006).

- DHS will begin using partial months to calculate the divestment penalty. There is no limit on the penalty period. It depends on the amount that was divested.
- The penalty will be imposed on long-term care services (nursing facilities, home help, home health, and MI Choice waiver services). This will not be imposed on primary care (e.g., doctors).

A Limited Liability Contract gives the consumer little control over their resources. The other party to the contract has all the control. This has resulted in much abuse of a consumer's finances.

- Estate Recovery - OBRA '93 required each state to have an estate recovery policy. Michigan is the last state to do so. CMS sent DCH a letter indicated we had until October 2007 to create the policy or penalties would be imposed. PA 73 is the estate recovery bill. It needs to be approved by CMS before it can be implemented. Some of the bill content include:
 - It only affects probate estates only. If the estate is included in a trust, it is not part of estate recovery.
 - Estate recovery will disregard 50% of the county's average home value. (For example, The county's average home cost is \$150,000. 50% of that is \$75,000. Your home is worth \$400,000. The State may recover \$325,000.)
 - It should be noted that not all trusts are acceptable to Medicaid.
 - Only affects Medicaid consumers, not private pay people.
- Partnerships - The amount of the LTC Insurance coverage is the amount that will be disregarded when the person applies for Medicaid. (For example, the LTC Insurance will cover

\$150,000 in long-term care services. The State will disregard \$150,000 of assets.) This policy is still being developed. There was discussion regarding Michigan's minimum daily nursing facility rate. Michigan does not have one but the national average is \$5,938. DHS will work with any third party carrier when determining eligibility. If you have questions, send them to Jackie.

Office of Long-Term Care Supports and Services Update - A brief update was provided. Further information is included on the handout. The Office should be moving to Capitol View in the near future. The Office has requested 1 additional staff for data collection and evaluation.

The State budget is still being developed. The Ad Board (that approves all contracts over \$25,000) was canceled for January. There will probably be another budget extension for November.

It was noted that the Office is tentatively planning a public forum specifically for the prepaid LTC managed care project in the near future. Office staff noted that they were working on getting more consumers on the work groups. One Consumer Task Force member noted that Mike Head indicated the plans would be full-risk from the onset of the project. (Full risk means that the plan will be responsible for any expenditures over the capitation rate. The state will not share in that risk. One way to limit the risk is to create actuarially sound capitation rates.)

Brief Project Updates/Issues/Discussions

- The interviews for the DRA/MFP project manager position will be held Friday. This person will work out of MSA. Once hired, the Operation Protocols will be sent to CMS for approval. It was noted that there are no external persons on the interview panel except to RoAnne. While it is probably too late to change the panel, this should be considered for the Systems Transformation Grant position. CMS is requested an outrageous amount of data

for this grant. There will be a disincentive for consumers to complete all the survey paperwork. Providers should continue to complete transitions using existing policies. This grant is only for enhanced dollars and should not prevent or delay transitions.

- Systems Transformation Grant - The project coordinator position has been approved by Civil Service as an internal fill. The Office is requesting external fill.
- State Profile - This is a 3-year grant for around \$500,000. Michigan will be completing a state profile tool, based on a Pennsylvania model, that will show service gaps, data needs, etc. There will be a focus on the dementia population. Another goal is to help CMS create national benchmarks for LTC rebalancing. The Office will probably contract with MPHI for a part time coordinator and MDRC for consumer advisory support. This support will include a consumer education component.
- Prepaid LTC Health Plan - It was noted that the Purchasing Institute was for state staff only; no consumers were involved. RoAnne indicated that these discussions were targeted at the higher levels of management. It was suggested that the Consumer Task Force seek grants to run a parallel education track. Laura would contact Wendy Middleton and see if their grant staff could find any applicable grant opportunities. It was also suggested that CMS be contacted to see why no consumers were involved in the Purchasing Institute.

The Purchasing Institute is the tract of services CMS offers states. They consider states as “purchaser” of services for consumers.

- Intensive Direct Services Worker Training (this was erroneously called “intensive PCP” on the agenda) - This is a small grant for technical assistance for direct services training. The state is contracting with the Paraprofessional Health Institute (now called

PHI) for 500 hours of technical assistance. PHI will revise their existing “consumer as a better employer” curriculum to apply to persons enrolled in self-determination. This will be a “train the trainer” concept. Tari is working on the work plan with PHI.

- LTC Connections - The Detroit LTC Connections, in their last report, included an administrative to staff ratio that was questionable. This will be part of the new contract and should be corrected by January.
- The Quality Community Care Council will be using their FY06-FY07 report for their next project update. They have hired 3 new staff persons.
- Medicaid Infrastructure Grant - The Office had a positive meeting with MSA this month. MSA was very supportive of MIG’s requestes. MSA is going to start moving persons from AD-Care to Freedom to Work. This will be a slow process as each case must be manually reviewed for appropriateness. Joe provided samples of the Supported Self-Employment manual for preview. If you want copies, contact Joe Longcor (longcorJ@michigan.gov or 517-241-1730.) It was suggested that this document also be added to the LTC Connections web site being developed.

New Consumer Task Force Member - Sharon Hold is from Allegan County. She is a resource worker living on her own. She wants to make tomorrow’s world better for her niece what she had to go through. She has made presentations at the local office on self-determination and person-centered planning.

Information Session - The draft Background Information Manual was the information session for this month. It was suggested that November be Citizens for Better Care and the Ombudsman Program proposal.

Other business

- Nursing Facility Standard Advisory Committee - this group is drafting quality standards for Certificate of Need (CON) nursing facilities should meet the final standards prior to applying for a Certificate of Need. It is anticipated that the larger nursing facilities will oppose these standards as you should not do quality through the CON process. A formal letter from the Consumer Task Force was requested to include a representative from the Consumer Task Force on this advisory committee and a letter of support for the concept of having such standards. MDRC can assist in funding consumer to participate.
- Lansing ADAPT - National ADAPT sent out a notice stating that Reps. Dingell and Pallone have agreed to set a date for a hearing on the Community Choice Act after the Thanksgiving Holiday. It is unclear whether this means that the hearing will be scheduled after the holiday or if the hearing will be held after the holiday. Laura will follow up with Rep. Dingell's office.

Next meetings:

November 27, 2007, 10:00 – noon, Michigan Association of
Community Mental Health Boards

December 18, 2007, 10:00 - noon, Capitol Commons Center,
Conference Room E (basement) It was suggested this be
our Holiday celebration. Jackie will follow-up.