

CONSUMER DIRECTED HOME CARE DEMONSTRATION PROJECT
STAKEHOLDER ADVISORY COMMITTEE
12/19/01 MEETING

WORKGROUP TOPIC
PAYING PARENTS OF MINORS AND SPOUSES FOR THE PROVISION OF PCA SERVICES

BACKGROUND

CDHC is modeled on the Robert Wood Johnson Cash and Counseling Project functioning in several states since 1996. Those programs were designed to serve adults with physical disabilities who could manage their own safe, independent living. CDHC is being designed to serve Minnesotans of all ages, with all disabilities. As a home care demonstration project submitted as an 1115 waiver, CDHC may request to "waive" features of traditional home care and includes practices prohibited in fee for service MA. Paying parents of minors and spouses for providing PCA services is just such a prohibited practice.

Two of the Robert Wood Johnson Cash and Counseling Project states have been paying spouses. CMS, the federal agency with program approval authority has approved this practice. One other state with approval of a demonstration project similar to CDHC has also included the ability to pay parents of minors as well as spouses.

MINNESOTA EXPERIENCE

In Minnesota's state funded Consumer Support Grant (CSG) Program some counties have chosen to include paying parents of minors and spouses as one of their county policies. Because this program uses state dollars only, federal approval for this practice is not required. Consumer Support grants are similar to CDHC in that it grants to consumers as an alternative to traditional home care. 98% of the persons using this program are children with disabilities. Counties paying parents of minors to provide PCA services in this program report high consumer satisfaction and no problems with the practice.

CDHC WORKGROUP

1. We are presented with an opportunity to launch and study this new practice in CDHC. The question facing us is how we will do so in a thoughtful manner. We have attached the form developed for CSG to record county approval of paying parents of minors for PCA services. This is a version of the Hardship Waiver form used to approve certain other relatives as paid PCAs.

The hardship criteria used to evaluate and approve this practice relate to:

- ◆ impact on the applicant's employment,
 - ◆ general labor conditions,
 - ◆ consumer need for workers who speak their language,
 - ◆ consumer need for intermittent hours of care.
2. CDHC materials will include "Getting the Support You Need," a consumer handbook on employment matters developed for the Self-Determination Project, which contains a discussion of the relationship dynamics at play when hiring relatives and friends.
3. November 20, 2000 report to the legislature "Paying Parents of Minors"

This is a very important issue. Discussion at both the federal and state level have gone on for many years. Please be thoughtful and look at both sides of the issue. We are sure to have a lively discussion.

Assuming that we move forward with the request to CMS that Minnesota will add to its waiver request the policy of paying parents of minors and spouses, The overarching question to consider is:

What should a successful demonstration of this policy look like?

- What are the concerns that need to be addressed?
- What is needed to demonstrate quality and overall health and safety?
- What parameters should there be?
- What criteria should there be?
- What are the monitoring requirements?
- Should there be limitations on the amount of hours that can be provided by a parent of a minor or spouse? If so, what would they be?



Memo

Minnesota Department of **Human Services**

Community Supports for Minnesotans with Disabilities Division

DATE: November 27, 2001

TO: CDHC Stakeholder Advisory Committee

FROM: CDHC Project Team

SUBJECT: CHANGE IN STAKEHOLDER ADVISORY COMMITTEE MEETING

The CDHC Stakeholder Advisory Committee meeting scheduled for Wednesday December 5, 2001 in Roseville has been changed to *Wednesday December 19, 2001* from 9:00 a.m. to 12:00 p.m. in Video Conference Room- 5F at the DHS building in St. Paul. The address in St. Paul is 444 Lafayette Road, if you require directions call the DHS Information Line at 651-296-6117 or go to the DHS web site www.dhs.state.mn.us.

Information to be discussed at the meeting will be distributed approximately one week prior to the December 19th meeting.

Meeting Minutes: Consumer Directed Home Care Stakeholder Advisory Committee		
Date: 11-14-01	<u>NEXT MEETING:</u> Wednesday, 12/19/01, 9-12N, @ DHS, 444 Lafayette Road, in St. Paul	
Attending: Alex Bartolic, Deb Brown, Dan Cater, Karen Conrath, Carol Ely, Pam Erkel, Melanie Fry, Sharyl Helgeson, Bunny Husten, Jan Kooistra, Gloria LaFriniere, Sherilyn Moe, Linda Wollford, Colleen Wieck, Facilitator, Maureen Lamb		
TOPIC	DISCUSSION	ACTION

<p>Welcome & Overview of Project Progress</p>	<p>LPA RFP out in October 2 Bidders Video Conferences Held Proposals due December 3rd</p> <p>Systems change plan required for grant payment process coming along</p> <p>Administrative Handbook coming together</p> <p>Draft RFP for project evaluation</p> <p>Projected start date: Mid-summer 2002</p>	
<p>General Discussion</p>	<p>Request for project fact sheets</p> <p>Request for briefing on CSMD Initiatives for SAC</p> <p>Importance of marketing</p> <p>Colleen Wieck reported other demo projects are paying parents of minors and spouses for PCA services</p>	<p>Fact sheets will be sent to all SAC members</p> <p>Briefings will be included in future meetings</p> <p>Marketing plan will be reviewed by CDHC SAC</p> <p>Staff has been researching this practice and has informed Maria Gomez, Shirley Patterson and Steve Larson. Staff is drafting proposed criteria and protocols. December SAC meeting will focus on this policy matter.</p>
<p>Update on Discussions with Centers for Medicare and Medicaid Services (CMS)</p>	<p>DHS has had 2 conference calls with CMS since the last CDHC Stakeholder Meeting. Focus has been on project costs and budget neutrality negotiations</p>	<p>Negotiations will continue</p>

Review of Topic Workgroup Recommendations and Results	Please see summaries attached.	Need to put closure on these policy areas. Stakeholders are asked to get back to DHS by November 30, 2001 if approach inaccurately reflects recommendations of stakeholder committee
Workgroup Topic: Review of Model Financial Services Agreement /Contract Draft	Small group discussion	

Questions/Comments to be Followed-up on:

Payment of Parents of Minors and Spouses. Should be added to Stakeholder agenda for further discussion. DHS will continue research into similar options in other states.

Close Enough/Active enough

Can Consumer identify project representative that is different than legal Representative? Yes, with approval of legal rep.

What if legal representative doesn't agree with selection of project representative?

Another project rep. will have to be selected that all can agree on.

Private Duty Nursing Exception

What if nurses become overly protective of "their own turf"?

Nursing practice is governed by the State Nurse Practice Act and the State Board of Nursing (delegation, expectations, responsibilities, liability, consumer and professional protections, professional conduct, scope of nursing practice, etc.).

Staff is currently researching what other states are doing related to consumer directed services and the respective State Nurse Practice Acts. We need to identify national context to bring to the MN Board of Nursing that would facilitate MN nursing practice that allows and supports consumer directed services.

Continue to look at Community Standards for "self care" provided by family, etc.

Autonomy versus Vulnerability

What goes into training of LPAs regarding the individual planning process? The training manuals are being designed and will be submitted to any interested SAC members for input.

What about background checks? How will these be paid for? Out of the consumers' grants.

Practical Expenditures Monitoring

What specific conditions would result in termination/suspension and re-enrollment?

Examples include:

Consumers who choose to suspend the program for a short time, enter a hospital or nursing facility will be able to start CDHC up again.

Consumers who use funds for non disability related expenses not included in their plans, who do not pay employer shares of employment taxes, who fail to pay for workers compensation and liability insurances, who do not file employer tax forms, and those who refuse to participate in required monitoring will be terminated from CDHC and returned to their program of origin.

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Any relative
and legal
except
children
Subsidy
Hardship

NY/Oregon
pay parents
no criteria
FL
does pay
minors &
spouses
20-25 pages
no real criteria

4 separate
groups
Authorized hours
Measure
health & safety
reflect all
providers

Reality
"alone parenting"
Best care provider
First choice
not
last
choice
Get Philosophy
H&S → STRONG
into home
After through
very
etc

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1. Paying parents to be providers not parents
a. TANF/MFIP exemption; b. employment rate
2. Abuse, neglect, } — % of cases @ A.G.
• Maltreat of Minors — add financial exploitation
3. Will quit searching for providers
Unemploy. compensation approach?
do they need to continue to search?