

PUBLIC POLICY COMMITTEE

**MINNESOTA GOVERNOR'S COUNCIL
ON DEVELOPMENTAL DISABILITIES**

9:30 am – 11:30 am
Wednesday, August 6, 2003
Earle Brown Center
University of Minnesota, St Paul Campus
1890 Buford Avenue, St Paul, Minnesota 55108

MINUTES

MEMBERS PRESENT

Pat Tietz, Chair
Sharon Heuring
Ordean Rosaasen
Bud Rosenfield
Jeff Skwarek
Sarah Thorson
Ann Zick

STAFF PRESENT

Colleen Wieck, Ph.D.

MEMBERS EXCUSED

Ella Gross
Kathryn Jacobson

GUESTS

Peg Booth
Deb Denning, Intervener for
Jeff Skwarek
Toni Hudson, PCA
Sherri Larson
Steve Larson

I. CALL TO ORDER

Chair Pat Tietz called the meeting to order at 9:30 a.m. All present introduced themselves.

II. APPROVAL OF AGENDA

Tietz asked for approval of the agenda.

MOTION: Rosaasen moved, seconded by Zick to approve the Agenda. Motion carried unanimously.

III. APPROVAL OF MINUTES OF JUNE 4, 2003

Tietz asked for approval of the Minutes as written for June 4, 2003.

MOTION: Rosaasen moved, seconded by Skwarek to approve the minutes as written for June 4, 2003 with a correction in the name of the guests Lillian and Orville Buthnoff to replace Rosaasen. Motion carried; there were no dissenting votes.

IV. WAIVER EVALUTION STUDY

Jody Hauer, Office of the Legislative Auditor (OLA), presented two handouts that are attached to the Minutes.

Committee members asked several questions or raised several points including:

- A. Are the four profiles of need created in 1995 still appropriate?
- B. Will the data be analyzed for both children and adults?
- C. Will the OLA recognize that some counties do not have some services available?
- D. Will the OLA recognize that staffing issues are the main factor between the funds authorized and those spent?
- E. Will the OLA recognize that the time frame of the study includes a period when parents may opt off the waiver because of the increase in parental fees?
- F. Will the OLA recognize that Minnesota has less use of institutional settings compared to other states?
- G. Will the OLA recognize that an institution might be cheaper but quality of life is better and funds are used more effectively by living in community settings.
- H. Will the OLA be able to delve into some county policies that set budgets lower than home care allocations?

Jody stated that the OLA study would not satisfaction, service effectiveness, county services outside waivers.

Members of the committee again had seven

- A. Purchasing equipment with the waiver triggers two prior authorizations rather than one; in one case a parent waited a year to get a bath chair.
- B. As an adult with a significant disability, nothing changes; yet every year justifications and explanations stay the same or increase which is costly and time consuming.
- C. Can resources be used more efficiently?
- D. The waiver expenditures were affected by adding more than 5,000 people during an open enrollment period and the shift of costs to Medicaid.
- E. No one really seeks out the system because it is not user friendly, it is not empathetic, and it is very humbling.
- F. One school is charging Medicaid for busing services as well as therapies. The former case manager allowed private car transport as medically necessary but the new case manager refuses.
- G. Parents do not use all the resources and are great stewards of public funds.
- H. The Minnesota Department of Health completed two studies that might be helpful—TEFRA and pediatric home care.
- I. The OLA needs to recognize the difference between metro and outstate counties, especially the variability of services and competency.
- J. The OLA needs to recognize that compliance requirements among counties, state, and federal government are in conflict. Specifically, the Consumer Directed Community Supports option was put in effect with little statewide guidance and controls. In some counties, consumers are told you can never get on CDCS; in other counties, consumers are told that's the only way to get on the waiver.
- K. The waiver amendment submitted to the Center for Medicare and Medicaid Services (CMS) may ameliorate some problems.

Extra copies of

PP. 3-4

and

Copies of later mtg.

with Jody Feb-April

- L. Has the State of Minnesota hired any actuaries to project the costs and needs of people with significant disabilities?
- M. How will spending funds "appropriately" be defined?

Jody stated that the OLA staff would not substitute judgment or second guess the work of professionals. In reaching conclusions, the OLA staff uses internal resources. The OLA team studying this topic includes a PhD researcher with 12 years experience, a Master's level statistician with over 20 years experience, and a temporary worker who has a Master's degree in public administration. The OLA does not write any bills; that task belongs to legislators.

The Committee members continued offering feedback including:

- A. We need a common language and definitions; the OLA report should contain a glossary.
- B. We need a demographic profile of who is on the waiver including ethnic background, type of disability, and age.
- C. Will the OLA staff be looking at other states and their use of waivers?
- D. The quality of services in rural Minnesota may not be as empowering; it may be enabling people. If hours of services are not used, then the allocation is lost for the following year.
- E. Training of staff continues to be a problem throughout the system.
- F. There is a vast divide between "what you can do with the waiver and what actually happens."
- G. Staffing is transient compared to the family that is there forever.
- H. Counties are not hiring or rehiring staff positions.

Jody reiterated her willingness to be contacted during the study by those interested in sharing information.

IV. LAWSUIT UPDATE

Bud Rosenfield gave background information about the lawsuits.

- A. The Governor's budget targeted the waiver as a program that needed greater fiscal control.

- B. DHS began controlling growth by "rebasing" the system.
- C. The new allocations were announced in late January and retroactive to January 1, 2003.
- D. Counties proceeded to make changes and some cuts were made.
- E. DHS had to get approval from CMS but implemented changes before approval was granted.
- F. The providers sued first and the Minnesota Disability Law Center filed a separate suit on behalf of individuals and families.
- G. Judge Tunheim granted a Temporary Restraining Order (TRO) on April 2, 2003. The TRO is still in effect.
- H. DHS filed a motion to dismiss both suits.
- I. No action has been taken on that motion.

Bud reminded everyone of the administrative appeals route and what the limits are with appeals.

V. INTERAGENCY COMMITTEE REPORTS

Because of time constraints, Ann Zick passed around a copy of the State Independent Living Committee report.

VI. COMMUNITY BASED WAIVERS, QUALITY TOOLS AND FRAMEWORK FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)

Because of time constraints, copies of the CMS quality framework will be distributed for the October Council meeting.

VII. NATIONAL FAMILY SUPPORT

Colleen will provide an update of the National Family Support grant at the full Council meeting.

VIII. ADJOURNMENT

MOTION: Rosaasen moved, seconded by Zick to adjourn the meeting.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Colleen Wieck, Executive Director