

# **1915C HOME & COMMUNITY BASED SERVICES WAIVER REDESIGN TASK FORCE**

## **Minutes of the 2nd Meeting of the 2021 Interim**

**July 26, 2021**

### **Call to Order and Roll Call**

The 2nd meeting of the 1915c Home & Community Based Services Waiver Redesign Task Force was held on Monday, July 26, 2021, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Julie Raque Adams, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Julie Raque Adams, Co-Chair; Representative Steve Riley, Co-Chair; Senators Danny Carroll, Stephen Meredith, and Dennis Parrett; Representatives Daniel Elliott, Norma Kirk-McCormick, and Pamela Stevenson.

Guests: Shirley Haburne; Pam Smith, Director, Division of Community Alternatives, Department for Medicaid Services, Cabinet for Health and Family Services; Claudia Johnson, Division of Development and Intellectual Disabilities, Cabinet for Health and Family Services; Tracy Butterfield, Supports for Community Living Waiver Program Director, LifeSkills, Inc.; Kelley Kendall, Executive Director, Cedar Lake Residences; Jane Stahl, Executive Director and Meleah Perdue, Program Director, NeuroRestorative Kentucky.

LRC Staff: DeeAnn Wenk, Becky Lancaster, and Amanda DuFour.

### **Approval of Minutes**

A motion to approve the June 21, 2021, minutes was made by Senator Meredith, seconded by Senator Parrett, and was approved by a voice vote.

### **The Importance of Waiver Services and Barriers to Care**

Shirley Haburne, mother of Steven, aged 46, who is a 1915(c) waiver participant, presented the task force with a background of the challenges facing her son, an overview of their experience with waiver services, and the barriers to around the clock, skilled care he needs. The waiver programs need to be flexible to meet the individual needs of the participant with more equitable options for care.

In response to questions and comments from Senator Adams, Ms. Haburne stated that she hopes Steven's story will help provide the task force with examples of issues with the waiver program from a participant and caregiver's perspective.

In response to questions and comments from Senator Meredith, Ms. Haburne said telehealth could eliminate barriers to community engagement that has been limited due to COVID, if Medicaid was flexible with who can access certain services.

In response to comments from Senator Carroll, Ms. Haburne thanked Senator Carroll for letting her know that each day center sets their own mask and vaccination requirements.

### **Update on Appendix K Waiver Amendments**

Pam Smith, Director, Division of Community Alternatives, Department of Medicaid Services (DMS), Cabinet for Health and Family Services, presented the task force with a background on the Appendix K waiver amendments which provide the state the flexibility during a state of emergency. Claudia Johnson, Director, Division of Developmental and Intellectual Disabilities, Department for Behavioral Health. Developmental, and Intellectual Disabilities, explained that Appendix K allowed DMS to raise residential reimbursement rates by 150 percent to be able to accommodate the closing of many day training centers.

In response to questions from Senator Adams, Ms. Smith stated she will follow up with the task force with the figures of how much was spent to implement Appendix K amendment. Ms. Smith stated that DMS will consider permanently incorporating Appendix K flexibilities to all six waivers.

In response to questions and comments from Senator Carroll, Ms. Smith stated that respite is a foundational need for all providers to be an effective caregiver and incorporating respite into all waivers is something DMS will look into.

In response to questions and comments from Senator Meredith, Ms. Johnson stated that the 150 percent reimbursement rate for residential care, under Appendix K, was chosen after discussions with other states and providers. Ms. Johnson added that when it is time to look at other reimbursement rate increases, similar conversations with providers and other states will be helpful. Ms. Smith stated that Appendix K flexibilities have highlighted the need for an individual assessment of needs for each participant so that there can be a person-centered service menu that meets all current and future needs of a participant.

In response to questions and comments from Representative Stevenson, Ms. Smith stated that it is clear there needs to be well trained case managers and that the high turnover reduces the number of well-trained case managers. Training can help to inform case managers of all the service menu options available to the participants. In response to a

second question, Ms. Johnson stated that Ms. Habourne's testimony shows that there are families that wish to keep their family member, who requires around the clock skilled care, in their home and there is no billing equivalent for in home around the clock skilled care like there is with staffed residences. Ms. Johnson stated that this is an example of where potential flexibilities could be found so that the many hours that are needed for in home care, can be reimbursed if the participant does not chose to reside in a staffed residence.

In response to questions and comments from Senator Carroll, Ms. Smith stated that 70 percent of Michelle P waiver recipients are children and that there needs to be an evaluation of the Michelle P waiver service menu, which is designed for adults, so that all participants can have their unique needs fully met.

In response to additional questions and comments from Senator Adams, Ms. Smith stated that she will follow up with committee and provide the estimated budget cost for waiver redesign that includes a breakdown of cost for services.

In response to additional questions from Senator Meredith, Ms. Johnson stated that there should be a needs assessment for all Michelle P waiver recipients to be able to identify how each waiver can become as flexible as possible, Michelle P is the only waiver that does not have a needs assessment.

### **The Impact of Regulatory Burdens on the Delivery of Waiver Services**

Traci Butterfield, Supports for Community Living Waiver Program Director, LifeSkills, Inc., presented an overview of how the relaxed regulations under Appendix K have helped her program better serve their population and the need for a long-term review of the barriers that regulations impose on providers.

Kelley Kendall, Executive Director, Cedar Lake Residences, echoed the support for the relaxed regulations detailed by Ms. Butterfield and added that there needs to be a look at raising the pay rates for providers, as they cannot keep up with other industries paying \$12-\$15 an hour, causing high staffing turnover and shortages.

Jane Stahl, Executive Director, and Melah Purdue, Program Director, NeuroRestorative Kentucky presented an overview of the specific challenges facing the population they serve and how strict regulations and staffing shortages make it very difficult to provide the level of care the population deserves. Ms. Stahl stated that flexibility in regulations is a necessity when serving medically complex individuals and needs to be a focus of waiver redesign.

In response to questions and comments from Senator Adams, Ms. Butterfield stated that Appendix K guidance letters were issued to providers, detailing changes, and recoupment updates but no point person from the Cabinet for Health and Family Services

was given to providers who needed clarification which lead to confusion. Ms. Butterfield stated that she will follow-up with the committee with examples of guidance letters they received.

Senator Meredith stated that it takes special people to do the work of Ms. Butterfield, Ms. Kendall, Ms. Stahl, Ms. Purdue, and that people who do this work need to be paid accordingly. Senator Meredith stated that the common theme of the meeting is flexibility and that will be the part of the mission of this task force.

Senator Adams stated that by hearing from people in the field and from the cabinet, this task force can better plan a strategy for how to best redesign the waiver programs. Senator Adams stated that redesign will need to be a partnership between all involved and thanked the presenters for the information they presented.

### **Adjournment**

There being no further business, the meeting was adjourned at 3:05pm.