



MISSISSIPPI DIVISION OF  
**MEDICAID**

## **Public Comments**

### **Home and Community-Based Services (HCBS) Elderly and Disabled (E&D) Waiver Renewal**

March 15, 2017

Bill Richardson, MAPDD President  
Mississippi Association of Planning and Development Districts  
Jackson, MS

RE: Comments on the proposed Home and Community-Based Services (HCBS) Elderly and Disabled (E&D) Waiver Renewal

I am writing you on behalf of the Mississippi Association of Planning and Development Districts (MAPDD), a statewide provider of Case Management services. We appreciate the opportunity to comment on the proposed Elderly and Disabled Waiver (E&D) Renewal. As you know, the MAPDD has been active in this program for over 20 years. This has been an ongoing and very successful program, and we are now serving over 17,500 clients throughout the state.

Comment #1: Addition of Caseload Limit to the proposed Home and Community-Based Services Waiver (HCBS)

We are concerned about the Case Management caseload limit that was added in the proposed HCBS Waiver. This caseload limit was not present in the 2012-2017 HCBS Waiver. Factors such as population density, location of clients, travel time, geographic area, and other factors are considered when determining how many clients a team can serve. The addition of the caseload limit does not allow the Case Management provider to determine the means in which to provide services to best meet the waiver participant's needs.

As a statewide provider of Case Management Services, we are requesting that the caseload limit be removed from the proposed HCBS waiver.

#### Comment #2: Milliman Medical Provider Survey

A Milliman Medical Provider Survey is mentioned on page 132 of the proposed HCBS Waiver. Also on page 132, multiple data sources are listed, including the MAPDD, which were used to develop the unit costs. Please clarify if this study is a new study or is it the study that was conducted in 2012?

As a statewide provider of Case Management Services, we are also requesting a copy of the Milliman Medical Provider Study.

#### Comment #3: Home Delivered Meal Rates

The Home Delivered Meal Rate is stated in the proposed HCBS Waiver as follows:

Year 1 \$4.87

Year 2 \$4.62

Year 3 \$4.78

Year 4 \$4.87

Year 5 no rate listed

Are the rates listed above the rates DOM intended to include in the proposed HCBS Waiver? On page 132, paragraph 1, the pricing information does not agree with the costs listed for years 1-5. Also, is it DOM's intention to exclude the Home Delivered Meals in Year 5? Other services are also excluded in Year 5. Please clarify these items for us.

We currently manage over 17,500 clients, with a waiting list of over 7,000 individuals. The 17,800 slots available are currently over 98% full. Our 320 Case Managers, serve an average of 110 clients per month. We have successfully managed caseloads over 100 clients per month since the caseload limit was removed in 2012.

Thank you very much for this opportunity to comment. We hope that the proposed Waiver Renewal will be favorably reviewed by the Centers for Medicare and Medicaid Services (CMS). MAPDD is ready and prepared to move forward with you under the new Waiver, and we are always available to help in any way that we can be of service.

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March 20, 2017

Lisa Burck, MPA, Med  
Systems Change and Capacity Building  
The Arc of Mississippi

I would like to begin by commending the Elderly and Disabled home and community based waiver program on their capacity and ability to support almost 20,000 people. I appreciate

their two-person case management teams which are unique for Mississippi, and the abundant choices for providers, almost 200 statewide.

My Elderly and Disabled waiver comments revolve around meeting the final settings rules that take effect during this waiver cycle. Currently, the personal care attendants serving under the E & D waiver support the person in their home but are not allowed to leave the home with the waiver participant. They can, on behalf of the participant, run errands, grocery shop, pick up medications, etc. though they are not compensated for their gas. The last time there was a PCA rate adjustment, it went down, so funding a change involving inclusion into the community with the participant is currently cost prohibitive. I am concerned as to how this program will meet the community access requirements of the settings rules. This waiver is an excellent option for people who also have additional supports such as family or friends who can make sure they get into the community. For those who do not have additional supports, the risk of isolation is very real.

Thank you for the opportunity to provide input as a part of the Elderly and Disabled waiver renewal.

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March 27, 2017

Margaret F. Brim, LSW  
Division Director  
Medicaid Waiver  
Three Rivers Planning & Development District, Inc.  
Pontotoc, MS

Upon review of the Waiver Renewal, Randy ask for reconsideration of the proposed Case Manager Caseload on page 56 of 148, paragraph 5. It reads; CM team shall maintain no more than an average case load of 100 active waiver persons. Paulette, in 2012 under the administration of Ann Ricks, the 100 case load limit was eliminated to allow the PDD's to determine the most efficient manner to purge the waiting list and expand case management services to eligible beneficiaries within each District.

Randy also expressed concern the reduction in case load will produce a severe budget crunch due to the reduction in case management reimbursement per unit of service. It will also require Three Rivers to add additional teams with less revenue.

Paulette, we appreciate the opportunity to partner with DOM to provide such an invaluable service to the Elderly & Disabled population.

We thank you for the opportunity to respond to the E & D Waiver.

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March 27, 2017

Wirt L. Peterson  
Executive Director

The following comment is in response to the proposed Elderly and Disabled Medicaid Waiver policy which was posted on the Division of Medicaid web site February 28, 2017.

The payment rate for Adult Day Care in the proposed policy is \$2.59 per 15 minute increment for year one.

Comments: The rate listed in the currently approved Waiver document is \$61.82. If the person stayed at the facility for four hours, the minimum in the current policy, the hourly reimbursement equals \$15-46. The proposed policy lists a payment rate of \$2.59 per 15 minute increment which equals \$10.36 per hour. This is a decrease of \$5.10 per hour for persons who stay four hours.

Using the Adult Day Care service currently offered in Lawrence County as an example, this rate is not enough to support the requirements of the service.

Transportation alone is a tremendous expense. There is no fleet of vehicles available to transport clients and, with only 1 bus available for transport to and from the center, routes must be pre scheduled to ensure that all clients can participate and expenses are kept as low as possible. Decreasing the client time at the center to 15 minute increments reduces this transportation service to little more than a taxi service. The change increases trips to and from client homes, changes travel routes and increases travel expense. When the other expenses, including staff, meals and building expenses are taken into consideration, the rate is not sufficient to cover the expense of providing the service

Thank you for the opportunity to review the proposed policy. Please contact me at (601) 446- 6044 with comments or questions.

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March 27, 2017

Sharon Gardner, Executive Director  
Northeast Mississippi Planning & Development District  
Booneville, MS

On behalf of the Northeast Mississippi Planning and Development District, I appreciate the opportunity to comment on the E & D Waiver Renewal document to be submitted to the Centers for Medicare and Medicaid. The program has been very successful in the more than twenty years of service to eligible Individuals in the planning and service area of Northeast Mississippi Planning and Development District.

Comment #1: Although not mentioned in the Public Notice list of proposed changes, the draft waiver renewal does propose a caseload limit which was not in effect in the 2012-2017 HCBS waiver. The addition of a caseload limit does not control the total number of persons served; however, it does limit the ability of the Case Management provider to efficiently and effectively administer the case management service. It is critical that the case management entity be able to take into account factors such as population density, travel time, client needs, etc., in determining the appropriate number of cases for a team. The addition of a case load limit could also result in frequent reassignment of case managers to persons served. The removal of a case limit in the 2012-2017 waiver has not proven to have any negative impact, but has proved to be extremely successful.

Comment #2: Page 132 of the draft renewal document cites data sources such as: the Bureau of Labor Statistics, Milliman compensation survey, Mississippi Planning and Development Districts and Adult Day Care center surveys. Please clarify if this is the same data set used to develop the 2012-2017 waiver renewal application, or if data was updated or new studies completed. Page 132 also states that comparisons were made with the current service rates and adjustments made considering a projected increase in costs of service delivery. It appears that reductions were made to many service rates.

Comment #3: Page 132 of the draft renewal document states the procedure that will be utilized for meal rates. This explanation does not seem to convert to the pricing information offered at pages 143-148 for Year 1 through Year 5. Year 5 does not have a rate listed for home delivered meals. Was this an oversight? Or is it the intent to exclude home delivered meals in Year 5?

Comment #4: The rate change proposed for adult day care is significantly reduced. On the surface, it would seem impossible to provide adult day care in the manner required at this reimbursement rate.

Northeast Mississippi Planning and Development District is a part of a network of Planning and Development Districts which provide statewide coverage. We look forward to your thoughtful consideration of the comments provided. The Elderly and Disabled Waiver program has a tremendous impact upon the beneficiaries in our area, and we are anxious to continue to work with the Division of Medicaid to provide these services.

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March 29, 2017

Ozie Phipps, Executive Director  
We Care

Under the current waiver document, the current approved rate is \$61.82 per day with a minimum of the client staying 4 hours.

With the new proposal, a payment rate of \$2.59 per 15 minutes increment, as stated, by Wirt Peterson (Medicaid, 2017) , "equals \$10.36 per hour." This calculates to a 4 hour stay being \$41.44. Under this new proposal, in order to get full reimbursement of \$61.82, a client would have to stay for a minimum of 6 hours. That for We Care results in additional labor, transportation, and operations cost but yields a significantly lower reimbursement. The \$10.36 per hour reimbursement does not suffice these operational costs for adult daycare services be rendered.

I have been an adult daycare provider for 15 years, and if this new proposal is granted approval, my doors for adult daycare services are highly likely to close due to the reimbursement reduction versus the increase in actual operating costs.

Thanks in advance for taking the time to read my comments concerning the proposal for the July 1, 2017 fiscal year. If there are any questions or comments, I may be reached at (662) 487-7755.

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March 30, 2017

Micah Dutro  
Managing Attorney  
Disability Rights Mississippi  
Jackson, MS

Disability Rights Mississippi (ORMS) is the designated Protection and Advocacy organization for the State of Mississippi and is a part of the national network of Protection and Advocacy organizations, as established in 42 USC 15041, *et seq.* ORMS provides legal assistance, advocacy services, and information and referrals to residents of Mississippi living with disabilities. ORMS also investigates allegations of abuse and neglect of persons with disabilities and is empowered by federal law to do so. Our primary areas of focus are the ADA, HUD, Medicaid services, treatment facilities, and educational services for children.

#### Elderly and Disabled Waiver

1. While the Waiver renewal would provide for transportation to and from Adult Daycare Centers (ADC), we believe that this service should be expanded to other locations in the community if the goal of full community integration is to be achieved. Participants in this waiver are almost universally on a low, fixed income and transportation can be a major obstacle to participating in community events or accessing community services. This obstacle is amplified in the rural parts of our state where a Participant may have to travel from his/her community to another community that is a significant distance away to access non-institutional services or participate in community activities. Of course, we recognize that transportation funding cannot be unlimited. But the absence

of transportation services for community activities, events, or even necessary errands (i.e. grocery shopping) is troubling and works against the goal of persons with disabilities living integrated lives in their communities to the extent that each individual Participant is willing and able to do so.

2. We commend the Division of Medicaid on the scope and variety of services provided under this Waiver. However, we are concerned about the scarcity of care in many parts of the state. While we recognize that the Division of Medicaid cannot create providers out of thin air, we would urge the Division to do all that it can to encourage private providers to participate in Medicaid programs of all types and encourage new providers to come to Mississippi.
3. We are concerned that the revisions to funding of ADCs (and similar services) will cause many of them to close for financial reasons. While we at Disability Rights Mississippi do not consider ADCs an ideal setting for people with disabilities, we recognize the practical reality that in many small communities the alternative is that the Participants would otherwise be largely confined to their homes. We urge the Division to adopt a funding model that allows these ADCs, or similar alternatives, to remain open while ensuring that they operate within the regulations provided by the new HCBS rules.
4. The rule outlining the dispute resolution process is listed on page 19 of the proposed renewal. We believe that the Mississippi Division of Medicaid should include language that requires providers to direct Participants to contact Disability Rights Mississippi for assistance in resolving such disputes. As the officially designated Protection and Advocacy organization for Mississippi, we are uniquely positioned to aid waiver Participants from all parts of the state at no cost.

We would like to thank the Division of Medicaid for their diligent efforts in the transition towards bringing the waiver programs in full compliance with the new federal regulations regarding HCB settings and look forward to your responses to the questions and issues that we have raised.