

ABI Waiver Advisory Committee

MEETING MINUTES

Wednesday, September 10, 2014

10:00 AM in Room 1C of the LOB

The meeting was called to order at 10:10 AM by Chairman, Rep. Miner, Craig

The following committee members were present:

Present: Rep. Craig Miner, Rep. Catherine Abercrombie, Kathy Bruni, Virginia Kerensky, Julie Peters, Barbara Nadeau, Bill Eller, Billye Simmers, Elaine Burns, Dorene Scolnic, Prof. Sarah Raskin

Absent were: Heather Marquis, Barbara Geller

Representative Miner opened the meeting at 10:10. He explained that the meeting would be televised and explained formalities such as speaking into the microphone, stating names prior to speaking, and filling out contact forms.

Rep. Miner recommended adopting the adopted the joint rules with the exception of the 15-minute rule, and using Mason's Manual of Legislative Procedure for guidance. A motion was made to adopt the joint rules for the ABI Waiver Advisory Committee by Rep. Abercrombie and was seconded by Julie Peters.

A motion was made to read the adoption of rules into the record. The motion was read into record and carried by voice vote.

Introductions were made around the room, beginning with Rep. Abercrombie who thanked everyone for Participating, followed by Kathy Bruni, Virginia Karensky, Julie Peters, Barbara Nadeau, Bill Eller, Billye Simmers, Elaine Burns, Dorene Scolnic, Sarah Raskin, and Rep. Miner.

Rep. Miner then opened the floor for public comment, inviting anyone to comment on the agenda for this meeting or what they would like to see on future agendas. No one asked to speak.

Kathy Bruni explained the process for submitting ABI Waiver II to CMS: The Department of Social Services published their intent to submit an application for ABI Waiver II in the Connecticut Public Law Journal in December 2013. An informational forum was held in the spring. The application for ABI Waiver II was submitted in March 2014 to CMS. In June, CMS returned a list of 92 questions to DSS. The response to these questions was submitted July 8, 2014. A list of 35 additional questions was

returned to DSS and responses were returned to CMS. CMS now requires DSS to re-publish notice of the ABI Waiver II application, which DSS has done on their website. In addition, this notice was circulated to advocates.

The comment period for this notice will close today, and in 30 days, DSS can resubmit the application for ABI Waiver II. Ms. Bruni estimates a start date of November 1, 2014.

Mr. Bill Eller re-stated what Ms. Bruni described to clarify and re-cap. He then asked what would come after CMS approval.

There was discussion among members regarding the period after CMS approval during which Rep. Abercrombie explained the submission and approval process. She also explained that there would be no further legislative approval required after CMS approval to begin implementation. Mr. Eller asked if changes could be made to the waiver once it is approved to which Ms. Bruni answered that, no, changes could not be made.

Kathy Bruni stated that the reason for the resubmittal is that changes made to the waiver were substantive.

Ms. Simmers asked when the waiver could be revised after approval, to which Ms. Bruni answered that it could be opened up for the amendment process after it is implemented.

Mr. Eller asked about regulations. Ms. Bruni explained that operating regulations have been posted. The waiver comes first, and the regulations online are based on the original waiver. The regulations come after the waiver.

Mr. Eller asked if this committee could comment on the regulations, and Ms. Bruni replied that anyone can, including anyone on this committee. Rep. Miner stated that he would look into whether the ABI Waiver Advisory Committee could comment as an entity.

Ms. Bruni explained that, while regulations follow approval of the waiver, current regulations can be followed until the approval of new regulations for this waiver. She went on to say that regulations are not needed to implement a waiver. She said that neither a new set of regulations, nor an update was needed to implement the waiver.

Ms. Simmers stated that CLRP at DMHAS challenged a set of guidelines saying that they were not regulations.

Ms. Bruni stated that regulations have to be adopted by regulations review.

Julie Peters said that BIAC had offered a lot of input into the regulations and have made comments, but have not seen an updated version of the draft or any timeline.

Ms. Bruni said that she would ask about that.

Rep. Abercrombie re-stated that regulations are guidelines but are not necessary to run the waiver program, citing the example of provider audits. Audits take place currently, even though the drafted regulations have been pulled twice and have not yet been adopted.

Elaine Burns asked if regulations were still in draft form, to which Ms. Bruni replied that yes, they are, but they are operating. Ms. Burns said that she believed that regulations would be reviewed with providers prior to adoption, to which Ms. Bruni replied that the regulations are operating, but not adopted.

Rep. Miner stated that there are no regulations for the current waiver, stating that we need to know that the agency has a legal framework under which to operate the waiver.

Ms. Bruni replied that the legal framework to operate the waiver is the approved waiver.

Rep. Miner stated his concern that once we have the waiver approved, the regulations will not be implemented.

Rep. Abercrombie said that the focus was on getting the waiver approved first, and that regulations will not be before the Legislative Regulations and Review committee for some time. She stated that it is more important to set up criteria to compare the two waivers.

Ms. Peters stated that regulations have been operating guidelines for years and that she feels that guidelines for the new waiver are very important.

Mr. Eller asked what our February report should contain, and it was agreed that the report was to consist of a comparison of the effect of the cost cap of the two waivers.

Rep. Abercrombie explained that ABI Waiver I has a cost cap of 200% and ABI Waiver II has a cap of 150% of institutional care. The concern of the committee is to be sure that people served by Waiver II are getting the same services as people on Waiver I. Our February report will depend largely on what data is available and how far along the waiver is in implementation. Once the needed data is available, the committee will report to Human Services, Public Health and Appropriations any recommended changes.

Rep. Miner asked Kathy Bruni to explain what has been done so far to implement the new waiver as far as the application process.

Ms. Bruni explained that DSS does have a waiting list and has started working with DMHAS, screening 20 people currently receiving services from 100% DMHAS funding. They will continue to process the next 5 people on the waiting list through their Medicaid approval and neuropsychological evaluation, etc., to be ready to go.

Diane Whipple of DMHAS ABI services was filling in for member Barbara Geller, as she was ill. She stated that DMHAS is working with DSS to get folks on the waitlist onto Waiver I, and eventually to get folks on Waiver II. There are 24 people currently DMHAS funded for services that will continue to receive services, but after waiver approval, they will get the federal match for services. There is a significant spend down for Medicare. Once they are on the waiver, they can have more income and up to \$10,000 for disability accommodations. She explained that DMHAS pays for direct care supports but they have no access to other supports on the waiver.

Ms. Bruni explained that no modifications have been made to Waiver I. Until Waiver II opens, the next slot that opens is filled with the next person on the wait list, and whether they are with DMHAS or not, they go on Waiver I. Once Waiver II is approved, they DMHAS folks will go on Waiver II. Eventually, the transition program will go away, and those funds will go to the waiver.

Rep. Miner asked if there was a budgeted amount for this population. The answer was \$150-\$200K for services.

Keith Arnold from DMHAS (Supervising Clinician), said that there is a set amount budgeted per year for ABI, and that he can get DMHAS's budget for ABI/TBI. The amount is \$15.9M, and is not strictly for transitional services, but also for things like transitional services, educational services and housing.

Rep. Miner asked about the money going into the waiver. Ms. Bruni said that DMHAS money currently available for ABI will be repurposed within DMHAS after this population goes into the waiver. He wants to be sure that this is the best thing to do.

Mr. Arnold explained that this population will go directly onto the waiver and transitional funds will no longer be needed.

Ms. Simmers added that this population of ABI plus DMHAS should be looked at closely. She said that transition services started because of the wait list, but also because this group did not necessarily fit with the services offered on the ABI Waiver, "They have been able to decrease the need for care hours, it's a different model." She feels that we should ask the legislature and DMHAS to continue to have funds for specialized services of DMHAS.

Rep. Abercrombie discussed the next steps of the committee. She explained that the agenda will be set by the committee itself, and that the chairs will be there mostly just to direct the meetings. She wanted to look at agenda items for meetings, the criteria for comparison of the waivers, the meeting schedule and what works best for members. She asked members to provide contact information that can be shared with other committee members and said that we will send out dates for upcoming meetings.

Ms. Peters asked about the parameters for the Committee's charge as stated in the Public Act, to which Rep. Miner replied that they are broad enough to talk about how we provide services to this population.

It was stressed by Rep. Miner that it is important to stay focused enough to make recommendations to the committees of cognizance. Those committees will take it from there. Rep. Abercrombie agreed, and said that the main focus is a comparison of the two waivers and the timeline is short. She said, however, that members should feel free to bring up any concerns, and then they can decide if those concerns apply to this committee.

The next meeting date will be decided and forwarded to members.

A motion to adjourn the meeting was made by Rep. Abercrombie and seconded by Julie Peters.

The meeting was adjourned at 11:15AM.

Kristen Traini
Committee Clerk