

October 21, 2014

Interim Legislative Health & Human Services Committee

- Representative James Roger Madalena, Chair, LHHS
- Senator Gerald Ortiz y Pino, Vice Chair, LHHS

**Public Comment: Centennial Care Self-Directed Community Benefit**

Centennial Care Self-Directed Community Benefit members are experiencing an alarming rate of long-term care service reductions (12%)\* and denials (20%)\* and are being blocked from accessing their due process rights for these adverse actions. Members transitioning from Mi Via are having services reduced. New SDCB members are having services denied. Why is this happening?

1. Service reductions occur when former Mi Via participants are assessed for their annual Level of Care (LOC) in the SDCB program. The Comprehensive Needs Assessment (CNA) allocates the SDCB budget amount for each member by determining the hours of H/DS a member needs. The problem is:
  - a. The MCO's use a scoring tool to come up with a prescribed number of hours of Personal Care Assistance (PCA) each member needs. I've been told by a care coordinator that the tool only goes to 40 hours per week;
  - b. SDCB members do not use PCA, which is an Agency-Based Community Benefit (ABCB) service. The comparable SDCB service is Homemaker/Direct Support;
  - c. The MCO multiplies the PCA hours the member needs (not the H/DS hours) by \$12.35 per hour, which is the "ABCB reimbursement rate," to come up with the SDCB budget allocation. The MCO does not use the SDCB range of rates for H/DS which is minimum wage to \$14.60 per hour.
    - i. The State's ABCB rate table for reimbursement, which is not dated, has a note at the bottom that reads: *"Please note the average reimbursement rate identified above has been established from historical claims data and is not meant to be a rate set by the State. This is provided as baseline data only."*
  - d. When the member enters his/her plan into the FOCOSonline system, the only way the SDCB member can request services, the program automatically adds to the hourly wage rate the cost of Worker's Comp and Employment Based Taxes (EBT). The \$12.35 agency rate is the amount provided for H/DS services and **must include** the Worker's Comp and Employment Base Taxes, further eroding the member's budget authority.
    - i. Example of reducing services: A member had 45 hours per week of H/DS in his Mi Via budget. He paid his Mi Via H/DS employees \$12.50 per hour (\$14.17 per hour with Worker's Comp and EBT based on FOCOS calculations) which is an annual total of \$33,157.80. When his Care Coordinator completes the annual CNA for his next budget year, he is allocated \$24,403.60 based on 38 hours of PCA (not H/DS hours) per week at the ABCB rate of \$12.35. First, he has to reduce his weekly hours from 45 to 38 hours per week. Then, if he wants to continue to pay his H/DS employees \$12.50 per hour, he has to further reduce the H/DS hours he gets to 33 hours per week, 5 hours less than the 38 hours he needs as per the CNA.
  - e. SDCB members are told if they want other SDCB services, they have to "reallocate" (cut H/DS hours) their SDCB budget allocation to pay for these services, as follows



- e. The Hearing Tribunal has begun to deny members a fair hearing because they have not exhausted their MCO's appeals processes.

My understanding is that the State has directed the MCOs to use the above procedures. SDCB members need to be able to access the full array of SDCB services at the SDCB approved range of rates available in Centennial Care. When they are unable to do so, members need to be able to access their rights to appeal and/or request a Medicaid fair hearing:

1. The State needs to direct the MCOs to conduct a Comprehensive Needs Assessment (CNA) that address the members' needs for SDCB services, not agency-based services;
2. The State needs to direct the MCOs to determine the SDCB budget allocation based on members' needs for SDCB services and the SDCB range of rates;
3. SDCB members need to be able to freely request the SDCB services, supports and/or goods that they need in the FOCOSonline system. The State should require the Financial Management Agency, Xerox, to make changes to FOCOSonline so it no longer blocks any request for service from a SDCB member;
4. The State should direct MCOs to allow SDCB members to appeal any decision or action by the MCO with or without a Notice of Action letter;
5. The State should direct the Hearing Tribunal to provide hearings to any SDCB member whether they have exhausted their MCO's appeal process or not.

Finally, the SDCB program has suffered from the start from a lack of understanding about self-direction. Traditional health care professionals in managed care organizations can have great difficulty grasping the purpose and benefits of self-direction. It can be very challenging to understand the difference between self-directed and agency-based programs. It is reasonable to conclude that the State has offered little assistance to the MCOs by virtue of its intentional actions and decisions to diminish self-direction in New Mexico.

Though it shouldn't be pertinent to the SDCB program because it is not the ABCB program, the State needs to stop using the ABCB reimbursement rates based on information that is clearly not intended for that purpose.

Thank you for consideration of my comments.

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\*Based on a review of 10% of SDCB members enrolled with AAA Participant Direction for their Support Broker services.

**Agency Based Community Benefit - Historical Information**

**Services, Service Codes and Applicable Units of Service**

Service Type	Code	Average Historical Reimbursement	Unit Increments
			1 Unit
Adult Day Health	S5100	\$2.04	15 minutes
Assisted Living	T2031	\$51.49	<del>Month</del> Per day
Community Transition Services	T2038		Per service
Emergency Response	S5161	\$36.71	Month
Environmental Modifications	S5165	\$5.000	Per member/per 5 years
Behavior Support Consultation	H2019	\$18.80	15 minutes
Employment Supports	T2019	\$4.50	15 minutes
Home Health Aid	S9122	\$16.32	Hour
Personal Care Consumer-Delegated	T1019	\$3.22	15 minutes
Personal Care Consumer-Directed	99509	\$12.35	Hour
Personal Care Consumer-Directed Training	S5110	\$40.00/hr	15 minutes
Personal Care Consumer-Directed Advertisement Reimbursement Fee	G9012	\$75.00	1 unit = 1 advertisement
Personal Care Consumer-Directed Administrative Fee	G9006	\$200.00	1 unit = 1 month
Private Duty Nursing for Adults – RN	T1002	\$10.90	15 minutes
Private Duty Nursing for Adults – LPN	T1003	\$6.79	15 minutes
Respite RN	T1002 U1	\$10.64	15 minutes
Private Duty Nursing for Adults – LPN	T1003 U1	\$6.79	15 min
Respite	99509 U1	\$13.51	Hour
Physical Therapy for Adults	G0151	\$13.51	15 minutes
Occupational Therapy for Adults	G0152	\$12.74	15 minutes
Speech Language Therapy for Adults	G0153	\$16.06	15 minutes

\*\*Please note the average reimbursement identified above has been established from historical claims data and is not meant to be a rate set by the State. This is provided as baseline data only.

## Self-Directed Community Benefit (SDCB) Range of Rates and Service Codes

<u>Self-Directed Community Benefit (SDCB) Services</u>	<u>Billing Code</u>	<u>FOCoS Service Code</u>	<u>Unit</u>	<u>SDCB Payment Rate</u>
Homemaker/Direct Support	99509	99509	Hour	\$7.50 (minimum wage)- \$14.60
Home Health Aide	S9122	S9122	Hour	\$16.32
Employment Supports (includes Job Coach)	T2019	T2019	15 min.	\$2.15 - \$6.93
Job Developer (Per job that is developed for member)	T2019	T2019JD	Each	\$100-\$700
Customized Community Supports (adult day hab.)	S5100	S5100	15 min.	\$1.36-\$8.82
Physical Therapy	G0151	G0151	15 min.	\$13.51 - \$24.22
Occupational Therapy	G0152	G0152	15 min.	\$12.74 - \$23.71
Speech/Language Pathology	G0153	G0153	15 min.	\$16.06 - \$24.22
Behavior Support Consultation	H2019	H2019	15 min.	\$12.24 - \$20.65
Private Duty Nursing – Adults- RN	T1002	T1002	15 min.	\$10.90
Private Duty Nursing – Adults- LPN	T1003	T1003	15 min	\$6.79
Nutritional Counseling –Adults	S9470	S9470	Hour	\$42.83
Acupuncture	97810	97810	15 min.	\$12.50-\$25.00
Biofeedback	90901	90901	Visit	\$50.00-\$100.00
Chiropractic	98940	98940	Visit	\$50.00-\$100.00
Cognitive Rehab Therapy	97532	97532	15 min.	\$12.50-\$25.00
Hippotherapy	S8940	S8940	Visit	\$50.00-\$100.00
Massage Therapy	97124	97124	15 min.	\$12.50-\$25.00
Naprapathy	S8990	S8990	Visit	\$50.00-\$100.00
Native American Healers	S9445	S9445	Session	As approved by MCO