MEETING MINUTES

MEETING MINUTES  May 5, 2016

Commissioners Present  Commissioners Absent  Others Present

Mark King (phone)  Kylie Milne  Laura Probst
Joseph Lowe  Gordon Magella
Ruth McEwen  Mike Volpe
Mathew Rapoza  Thea Myer
David Toler  Cal Labbe
Laurie VanZandt-Schwartz  Carol Loop
Marsha Wentzell  Kathy Savage
Roxie Mayfield (phone)

Staff Present  Staff Absent

Cheryl Miller  Lindsay Vanderworker
Robertta Lilly  Suzanne Huffman
Joanna Gould
Josh Mellon
Kelly Rosenau
Ron McGhee
Roxanne McAnally
Joan Medlen
Charisy Spencer
Tatia Halleman
Jenny Cokeley

Meeting called to Order

- The meeting was called to order by Vice-Chair King at 10:08 a.m.
  Introductions were made by all in attendance.

Adoption of Agenda


Approval of Minutes

- Commissioner Rapoza moved to adopt the April minutes as written. Commissioner Wentzell seconded; Commissioner McEwen abstained. Motion carried.
Announcements
Cheryl Miller, Oregon Home Care Commission (OHCC) Executive Director, announced:

- Roberta Lilly, OHCC Program Manager, began work with OHCC on April 25, 2016.
- Joe Espinoza, APD/DD Labor Relations Director may not be able to attend Executive Session, however, he has provided an update that Cheryl Miller will give in his place.

Public Testimony
Mike Volpe, member of the public addressed some concerns:

- He thanked Commissioner Rapoza and staff for getting the education piece of the new voucher system out to consumers.
- He also thanked Cheryl Miller for taking a personal interest in his situation to hire a new Homecare Worker (HCW).
- Mike wanted to discuss the possibility that new workers may have to get an FBI check as part of their background check and he was concerned that it would have a negative impact on consumers.
- Cheryl Miller will invite Frank Miles, who is the Manager of the Background Check Unit (BCU) to a future meeting. She spoke to Frank Miles and learned in 2015 the BCU processed 157,000 background checks; monthly 11-12,000 are processed (at times up to 16,000). Frank explained to Cheryl that last month the BCU began training seven new employees to process clean-cue checks (for those not requiring fingerprints; who have not lived outside of Oregon in the past five years for three months or longer and who have no criminal background.) After the new staff have processed the “clean cue” checks, they will begin working on the “main cue”. The main cue requires fingerprints or additional research before determination is made and has a 5-week backlog at this time. This week the new employees will begin working the main cue backlog. She also explained that if there is an emergency situation where a consumer needs a background approved on a rush basis, the BCU may have the capacity to assist with those circumstances.
- Commissioner Toler discussed the backlog with the BCU; he believes the misunderstanding may be related to workers not understanding the Oregon State Police process.
• Commissioner Rapoza discussed a BCU statement listed on their website, which requires more workers to get fingerprint checks. The Commission would like Frank Miles to bring clarification to this as well.
• Mike thanked everyone for their attention to these issues.

**Homecare Choice Program Marketing**
Jenny Cokely introduced Laura Probst, with Pac/West Communication. Pac/West Communications is currently working on the Homecare Choice Marketing plan.
• Laura gave a PowerPoint presentation detailing the launch and preview of the web landing page, Facebook page, VIMEO and 30-second television advertisement. Tina Treasure is featured in the television ad, which will be aired in Southern Oregon in late May through September. All materials will be provided in electronic format on the web landing page: www.HomecareChoiceOregon.com
• Laura also offered to make the presentation to any meetings if requested in the future.
• Commissioner Lowe asked if the e-kits could be given to Coordinated Care Organizations (CCOs) and THW Commission. Laura will follow up with Jenny Cokeley to add them to the distribution list.

**ABLE ACT**
Gordon Magella, staff attorney with Disability Rights Oregon gave an ABLE Account Frequently Asked Question handout. He explained that SB777 was signed into law in Oregon on August 12, 2015. Gordon explained that the IRS is going to allow consumers to self-certify using a form that lists your qualified disability. To be eligible, an individual must be entitled to benefits based on blindness or disability under Title II or XVI of the Social Security Act.
• He also mentioned that Oregon has yet to write Oregon Administrative Rules (OARs) related to this and there are no ABLE Accounts set up yet in the United States. He believes Oregon will launch the Oregon ABLE Savings Plan in early 2017. The account limit in Oregon will be $310,000 with total annual contributions of $14,000 per tax year.
• Cheryl Miller asked if he could elaborate on the Medicaid Payback Provision.
  o His limited understanding is that upon a Medicaid Beneficiary’s death, the state would be allowed to gain back some funds from their
estate. He encouraged an individual who is considering ABLE Account savings to also be mindful of Medicaid estate laws when doing planning.

- Ruth McEwen asked if there was an age cap for the ABLE Act.
  - Gordon answered there is not an age cap for the accounts. As long as a person has a qualifying disability, they will not be excluded due to age.
- Chair Joseph Lowe commented that he would encourage the age limitations to be higher than 26. There are some people who become disabled due to injury, sudden health issues, returning soldiers, etc. that should not be left out if they are younger than 26. Gordon agreed, however the age limit of 26 is in the Federal ABLE Act, so it would require an act of Congress to change it to a higher age.
- Chair Lowe feels it is good to have disability certification provided from the physician in order to participate in the program. It would be beneficial in the case of an audit. He also asked how this program would affect those who use Employ People with Disabilities (EPD) Program and if there was a savings limit related to that. Cheryl Miller and Commissioner Rapoza explained that this would have to be considered further after Oregon goes through the rule-making process.
- Chair Lowe also asked for the in-depth definition of “basic living expense” and asked if the individual is required to show proof of what the money is spent on. Gordon answered that his understanding is that “basic living expenses” is interpreted very broadly in the statute. He also explained there will be minimal monitoring of this account unless needed due to fraud, however we will know better after the rules are in place.
- Chair Lowe also asked if an individual closes an ABLE account five years prior to passing away, will it be exempt from estate tax penalties (like the Medicaid/Medicare Payback Provision). Gordon believes this will follow all the same rules as the Medicaid Payback Provision and estate tax laws. He also explained there is a 10% tax penalty if you close it without a qualified expense.
- Commissioner Wentzell asked how information on the ABLE Act is being disseminated to consumers. Gordon outlined the various resources provided on his handout. Cheryl Miller also explained the information is being disseminated in the DD Community. Chair Lowe added that if there are additional questions, they can be emailed to him directly or to Cheryl.
**Older American Month**
Sarah Hout, APD State Unit on Aging Manager provided an overview of Older American Month and handed out several documents:
- Aging and Disability Resource Connection of Oregon (ADRC) Data Sheet
- Older Americans Act Month fact sheet
- APD Director’s Message from Ashley Carson-Cottingham
- Fact Sheet on a pilot expansion of Oregon Project Independence (OPI) Program

Commissioner McEwen was pleased to hear the Older American Month was passed. Cheryl Miller offered to connect Sara with Lindsay Vanderworker if she would like us to post APD Unit on Aging items to the OHCC Facebook page.

**Aging and People with Disabilities (APD), Governor’s Commission on Senior Services (GCSS), Area Agencies on Aging and Disability Services (O4AD), Oregon Disability Council (ODC), Community Advisory Councils (CAC), and Coordinated Care Organizations (CCO) Report** will be provided next month.

**Quarterly Homecare Worker Benefit Trusts**
Cal Labbe, Trust Director of the Oregon HCW Supplemental and Benefit Trusts gave a presentation on providing benefits to Oregon HCW and PSWs. She shared a participant story of a HCW who recommended spreading the word about the Trust benefits. Cal also discussed there is a slight decrease in enrollment in the Oregon HCW Benefit Trust between February and March but she expects an increase in the future.

She showed three different postcard communications that will be sent over the next several months:
1. Reminder postcard for HCWs to watch for communication from the Oregon Health Authority (OHA) in case they need to enroll in medical coverage through the Health Insurance Marketplace.
2. Reminder postcard for participants who are overdue on insurance premiums with a warning they could have coverage cancelled for the remainder of the year for non-payment.
3. Reminder postcards for HCWs to report changes in name, address, household income and household size or if they are eligible for other medical coverage.
Cal explained there will be an updated 2016 Benefit Booklet that will be distributed when it is complete.

- The OHCC will be giving Cal a letter in support of resolving the DACA issue and HCWs and PSWs being denied healthcare coverage through the Trust. Cal stated that she is aware of this and working to resolve the issue.
- Commissioner Toler asked since this is a benefit gained through SEIU, who pays the trust; is the contract through DHS? Cheryl answered yes. Chair Lowe asked for the exact amount paid to the trust by DHS. Jane-Ellen Weidanz, APD Long-Term Care Manager answered that DHS pays $1.92/hour for the contribution payments.

**K-Plan Overview**

Jane-Ellen Weidanz, APD Long-Term Care Manager gave a PowerPoint Presentation overview of the K-Plan. Until July 1, 2013 Home and Community Based Services were funded through a waiver. Now, Oregon has the K-state plan, which is a contract between the centers for Medicaid/Medicare services and the State and outlines everything the State will do with the funding for these services. It is based on and follows Federal law. Over the last 10 years, Congress has been changing to allow state plans to fund Home and Community Based Services to allow consumers to be served in less-institutionalized settings.

1915-I is a section of the plan that is a home and community based option that allows a specific population to be targeted in this case, the mental health community. 1915-J is the Independent Choices Program that serves seniors and people with disabilities. The 1915-K is the Community First Choice program that says if a person meets the criteria where they need an institutionalized level of care, they can use the services.

The K-plan gives the APD programs an additional 6% funding to use for services of the population. It serves seniors over the age of 65 who meet the criteria of needing an institutionalized level of care and people with intellectual, mental, developmental and physical disabilities.

- Chair Lowe asked if a person needed a ramp in their house, would the K-Plan pay for that. Jane-Ellen answered, yes; the K-Plan allows for funding anything that allows a person to maintain their independence (within reason). A ramp that is accessible would be approved.
- Commissioner Wentzell asked if there was a cap. Jane-Ellen answered there is a cap in rule, however there are also exceptions allowed.
• Chair Lowe asked if there was funding available for consumers having computer issues. Jane-Ellen answered, “probably not.” She explained that the funding for this issue would be specifically to increase their independence and would have to be a need versus a want. She gave an example of buying a consumer an iPad and software that would assist them in speaking. The cost of approximately $650 was much less than the previous method they used which cost $1800.

Q&A Staff Reports
• Quarterly Workers’ Compensation:
  Kelly Rosenau, Worker’s Comp Coordinator gave a quarterly Workers’ Compensation Report for both Personal Support Workers (PSW) and HCWs.
    o Between July 2015 and March 2016:
      ▪ PSWs had 184 claims submitted to SAIF
      ▪ HCWs had 169 claims submitted to SAIF
  There were no comments or questions related to this staff report.

• Quarterly Registry:
  Ron McGhee, Registry Coordinator gave Registry statistics from 1/26/2016 – 4/26/16 for:
    o PSW/DD
    o HCW
    o PSW/AMH
    o PSW/CIIS
    o Self-Registration List
    o Registration Status

• Quarterly Traditional Health Worker (THW) Training and Monthly THW Commission:
  Roxanne McAnally, THW Coordinator gave an update on the THW Commission. She reports that the Office of Equity and Inclusion (OHA) continues to interview to fill the staff position that supports the Commission. There are still Commissioner seats needing to be filled. She noted that the labor position was filled by AFSCME. Roxanne was concerned that SEIU did not put up a candidate to fill Jean Yamamoto’s seat which has remained empty since early 2015.
  Roxanne asked the Commissioners if she was correct in voicing concern with THW Commissioners about their project regarding a Fact
Sheet (on who makes a good THW Supervisor). She felt this is beyond the scope of the THW Commission. The Commissioners voiced agreement with Roxanne that the Fact Sheet should be written from the point of view that supervisor requirements are a consideration, rather than a directive.

She explained the Rules Advisory Committee continues to work on integrating oral health prevention into the required curriculum. Decisions remain as to whether or not the oral health training will be added to the competency requirements or if it will be treated as a mandatory continuing education module.

There were no comments or questions related to these staff reports.

• Bi-Monthly PSW Training:
  Joan Medlen, PSW Training Coordinator gave an overview of the PSW Training Program for May 2016. She explained there is an increase in the amount of PSWs participating in training (from 6% to 10% over the last month.) She also reported the sensory processing disorder RFP is almost complete. There were no comments or questions related to this staff report.

• Monthly Enhanced/Exceptional Training Certification:
  Joan Medlen, PSW Training Coordinator reported that they are currently working with a cohort of CIIS PSW participants whose employers are becoming adults. She explained they receive a higher rate of pay when they have CIIS clients, so when their employer becomes an adult; they will have a lower rate of pay. She is working with the providers to receive the right amount of training to ensure their pay does not go down. The hope is that they will be able to continue working with their consumer, as they have already established a relationship. There were no comments or questions related to this staff report.

• Monthly OHCC Budget:
  Tatia Halleman, Homecare Choice Program Fiscal Analyst, reported the budget office is now calculating projections on actual expenditures, which will change expected projections for the rest of the biennium. The new projections will be provided at the next Commission meeting. There were no comments or questions related to this staff report.
• Monthly Homecare Choice Program
  Jenny Cokeley, Homecare Choice Manager reiterated her excitement at the marketing materials being released shortly. She reported the Homecare Choice Program manual is ready for print and offered a copy to anyone who would like one – either in hard copy or electronic. The Commissioners would like a copy and Jenny will send it out. The Rules Advisory Committee public meeting will be held this month as well. Jenny reported an increase in phone calls both from providers and consumers interested in the program. There were no comments or questions related to this staff report.

**Executive Director’s Report**
Cheryl Miller, Executive Director reported being away from the office on sick leave for a large period of time in April.

She detailed April Activities:
- SEIU Negotiations
- Workforce Internal Meetings are held weekly.
- Met with Karin Miller, Manager of Pacific NW Work to collaborate with workforce group.
- Met with Angela Yeager and Carissa Neufeldt to collaborate with workforce group collaboration during a HCW/PSW Recruitment event
- Met with Dorocida Martushev to work on Learning Management System
- Met with Chris Roulette, GIS Analyst to obtain plot information (by county and zip code). He will plot HCW, PSW and consumer information which will be very helpful with workforce recruitment planning.
- Hired new program manager, Roberta Lilly.
- Met with Metro Mental Health partners for collaboration in workforce recruitment efforts.

**Adjournment**
Meeting was adjourned at 1:50 p.m. The next meeting will be held on June, 2016 in Salem, Oregon.

**Attachments:**
- OHCC May 5, 2016 Agenda
- OHCC April 7, 2016 Minutes
- May 2016 Reports