

## CHOICES FOR INDEPENDENCE FOCUS GROUP

This BEAS Focus Group is designed to support the goal of improved communication, collaboration and outcomes of those we serve.

### Focus Group Meeting Minutes

June 14, 2010

Present: Leah Chandler, Dan Hebert (phone), Susan Lombard, Mary Maggioncalda, Sandra Poleatewich (phone), Sharon Stephens, and Susan Young

Topic: Review of draft changes to the CFI administrative rule, eligibility section

- A. The Group reviewed the initial draft of the revised eligibility section of CFI rule, He-E 801. The following points were made:
1. 801.03 (a)(4):  
Comment: The section ends with “...” and this gives the impression that there is more text from the law that should be inserted.  
Resolution: The next section of the law is not relevant to this section of the rule as it is about financial eligibility while this section of the rule is about clinical eligibility, only. The next draft will be revised so that it does not appear to be leaving out relevant information.
  2. 801.03 (a)(5):  
Comment: The proposed language seemed awkward.  
Resolution: The sentence will be reworded as follows: “Would require institutional placement in a long term nursing facility as described in He-E 802, unless CFI services are provided.”
  3. 801.03 (a)(6):  
Comment: This section is about who is not in the target group to be served by the waiver, as required by federal regulation. However, because it is about a person being ineligible, yet is placed among statements about being eligible, it seems out of place and confusing. The suggestion was to move this to later where there is another reference about persons who are ineligible.  
Resolution: The information in this section will be grouped with the current (b). The new section will describe who is ineligible and will include both the targeting criteria and residency in a nursing facility.
  4. 801.03 (7):  
Comment: Does a service plan that contains PERs as the only waiver service fulfill the need identified here, that the person receives at least one waiver service?  
Resolution: I had discussed this topic with CMS earlier and was told that we can not specify certain waiver service(s) as having to be required. CMS pointed out that a person might be receiving extensive informal supports, leaving only PERs as a service needed through the waiver. Also, a person whose only identified need was for PERs would probably not meet the clinical level of care standard.
  5. 801.04 (c):  
Comment: Adopt a standard amount of time that is allowed for the return of information in the rule, rather than the initially proposed “by the date specified.”  
Resolution: BEAS agrees with this recommendation. The letter that goes to the practitioner will allow 30 days, and a copy will go to the applicant. At least 10 days prior to the end of the 30 day period, BEAS will fax a reminder to the practitioner.
  6. 801.04 (d):  
Comment: When a notice is sent to the medical practitioner requesting documentation, a copy of the notice should be sent to the applicant so that the applicant will know the status and encourage the practitioner to provide the information timely.  
Resolution: As stated above in 5, this process will be included in the rule.
  7. 801.05 (d)(1):  
Comment: The proposed language does not specify if the 10 day period is 10 calendar or business days.  
Resolution: BEAS is looking into whether there is a standard already in place, or if 10 business days may be specified.
  8. 801.06:  
Comment: Clarify the title to this section to reference clinical eligibility.  
Resolution: BEAS agrees and the next draft will reflect this clarification.

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- B. The services section of the rule was briefly mentioned. The main goal of the revisions to the service section is to improve clarity in service definition, ensure compliance with federal direction and remove instances of task-overlap among services. For example, the current rule gives very little guidance on provider requirements for home modifications and this does not provide safeguards for participant safety and well-being. Other revisions are in recognition of changes to related laws and rules.

### Next Steps:

The next meeting is scheduled for 10:00 a.m. on July 15, in room 211 of the Brown Building. The usual call-in access will be in place.

The next meeting will include:

- a. A second review of the changes to the eligibility section, if needed;
- b. A first review of the services section of the rule; and
- c. Recommendations of individuals to whom the next draft of the rule should be sent for review and comment. As discussed earlier this year, Focus Group members are asked for recommendations for the next tier of reviewers so that the draft can be more widely circulated this summer.