

CQI Part C Fees Workgroup

**Meeting Summary
April 30, 2001**

**Department for the Blind
And
Vision Impaired
Richmond, VA**

Those attending: Shirley Ricks, Wanda Pruett, Anne Lucas, Carmen Sanchez (guest), Barbara Willard, Brenda Crockett, Linda Eggleston, Tracy Miller, Deborah Mack, Carol Burke, Sandy Mahon, Emily Dreyfus, Liz Fletcher, Forrest Mercer, Pat Rogers (guest) and Mary Ann Discenza

Those absent: Glen Slonneger, Pat Abrams, Patti Seklemian, John Jackson

The purpose of today's meeting was to provide an opportunity for workgroup members to receive copies of the public comment, offer feedback/comments/suggestions regarding the draft public comment compilation document, review the proposed actions, and provide feedback about them.

Initial discussion regarding procedural issues was held because workgroup members were not supplied with copies of the public comment until they arrived at the meeting. Procedural issues included using some of the meeting time in order for workgroup members to review the public comment and begin the meeting later in the morning or begin the meeting and review the draft summary document (compilation) of the public comment and referring back to the full text of the public comment around clarifying the draft response(s). A vote was held with the majority deciding the latter.

Pertinent points from the workgroup's discussion/review:

- Not all public comments were included in the documents distributed; the Department agreed to check and distribute all missing public comments.
- Extensive debate occurred about the need for DMHMRSAS to assist localities in being able to finance early intervention. Discussion included the impact of Medallion II and other managed care programs, natural environments (increasing the cost of providing services) and decreasing insurance reimbursements in general. The Department is drafting a procedure for

localities to submit an application and meet certain guidelines to receive additional funding.

- Several comments from the public comment provided topical issues for further elaboration and identified the need to target specific issues during the training related to such items as legal issues related to charge rates, accessing families' private insurance, the early intervention mandated benefit, how to interview families in order to obtain an accurate assessment of household income, clarification about definitions such as financial hardship, etc.
- The issue of using taxable income as the basis for the sliding fee scale – some felt that the federal tax code was not fair and therefore use of taxable income for the sliding fee scale would penalize some families who did not own their own home. The proposed federal regulations issued in September 2000 offer options for states regarding the use of taxable income. A vote was held with the majority supporting the use of taxable income.
- The issue(s) as identified in the public comment related to 1) estimating taxable income for determining family fees if a family could not produce a federal 1040 form were discussed as well as 2) clarifying who was responsible for determining the family's taxable income, e.g. the family, the service coordinator, etc. A suggestion was offered to consider determining family income by taking 20% of a family's gross income order to determine the family's disposable income and family fee. There was no clear consensus about this issue although suggestions were offered related to a more flexible approach for using taxable income. The options that were identified include the following: 1) use taxable income whenever possible; 2) use estimated taxable income when practical; and 3) provide families with the opportunity to appeal once a fee has been determined and the family indicates financial hardship. The workgroup was reminded that once modifications are made to the draft practices document that it would be forwarded to the Office of the Attorney General for review to ensure compliance with federal law.
- It was brought to the workgroup's attention that there might be value to implementing regional family fee scales. The point was made that it would not be difficult to address this recommendation since methodologies already exist (Virginia Department of Social Services) making it possible to implement this recommendation. After discussion the following recommendation was agreed to by the workgroup: the family fee scale will not be changed. During the phase-in period, the Department will analyze the data to determine to what extent, if any, geographic differences exist, identify barriers, and make recommendations about changing the uniform fee scale to account for regional differences.
- The workgroup asked for clarification about commentators who raised concerns about the proposed fee scale and the fact that it differs from local boards' long- term scale. According to federal regulations and state law that

require a consistent statewide family fee scale, local boards are not prohibited from using this scale. (This point will be emphasized during the training.)

- There was discussion about HIPA (Health Insurance Portability Act cited in the draft practices document) and concerns expressed by commentators about waiving co-pays and deductibles and not violating provider contracts with private insurers. After some discussion, it was agreed that the response proffered in the compilation public comment document would be revised to clarify terminology regarding waiving co-pays/deductibles and defining financial hardship. The point was reiterated that federal Part C regulations permit the use of Part C funds to cover co-pays and deductibles to assist families in accessing their insurance if necessary. Virginia's early intervention private insurance mandate provides for the use of public funds (state, local, and federal funds) to cover the cost of co—pays and deductibles to ensure that providers would not violate provider contracts. For families that use their insurance and access the sliding fee scale, the family would be responsible for the co-pay/deductible amount up to the monthly cap and public funds can be used to cover the remaining balance of the co-pay/deductible amount(s). It was emphasized that specific guidance about this issue will be provided during the training.
- The final point of discussion by the workgroup involved a recommendation for the Department to hire Carmen Sanchez to finalize the draft document. The Department indicated that this recommendation would be taken under advisement.

The meeting was adjourned.

Reminder: The next meeting of the workgroup will take place on Thursday May 17, 2001 from 10:00 AM until 3:00 PM. The meeting will be held at the Department for the Blind and Vision Impaired in the ADMINISTRATION building (first building on the left as you enter the campus).

Agenda:

- 1. Review the draft practices document**
- 2. Identify priority areas for training**
- 3. Establish training team for first phase-in training**

There is a workgroup meeting scheduled for Wednesday June 13, 2001 immediately following the VICC meeting. The meeting will be held at the Skipwith United Methodist Church located on Skipwith Road in Richmond. If you plan to attend the VICC meeting, need directions to the meeting site, or would like lunch, please e-mail me at mdiscenza@dmhmrsas.state.va and I will provide directions or order lunch for you.