

SEMCIL

SE MN Center for Independent Living, Inc.

March 17th, 2024

Senator John Hoffman, Chair
2111 Minnesota State Senate Building
Saint Paul, MN 55155

Senator Jim Abeler, Minority Leader
2207 Minnesota State Senate Building
Saint Paul, MN 55155

To Chair Hoffman, Lead Abeler, and Members of the Senate Human Services Committee,

I write to you all today as a member of the Waiver Reimagine Advisory Committee (WRAC) and Strategic Initiatives Director of SEMCIL. I write to express the concerns I have regarding the current plan and process of reforming Home and Community Based Services (HCBS) waivers in our state. I applied and was chosen to advise of my current role as a disability activist, but also for my background. I am the former director of Disability Hub MN and have 10+ years' experience working in Home and Community Based Services across Washington, Montana, New York and presently, Minnesota. The process of advising has been a difficult effort for advisory members. Since the committee's inception in 2022, I and other members have had to advocate for transparency, to have ownership of agenda setting, and to address key issues that were initially identified by consultants in 2018 including Institute on Community Integration (ICI) and Human Services Research Institute (HSRI). Our own charter was a forced process by which we had to agree that we could not discuss key identified issues of the community in its relationship to Waiver Reimagine, including MnCHOICES, Direct Care Workforce Shortages, and Community First Services and Supports (see *Charter*).

The committee members of Waiver Reimagine past and present are strong advocates - they have an providers, people who use waivers, professional advocates, county staff and family members alike. Yet, DHS continues to not truly listen to our feedback, here our requests for additional information, extend decision making authority with us, or most infuriating, ensure persons with disabilities who have formally requested accommodations have them fulfilled to engage in the meetings. On average, each advisory member is only allowed 2-3 minutes to speak on an issue in a meeting. For many of us, the process of advising very much concerns us because it is indicative of the current struggles we see in our current system. How do we trust that decisions are being made in the best interest of our community and systems if we are not provided with trusted information and provided with what we need to best advise? Where is accountability and partnership if there is no vulnerability from DHS?

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Instead of transparency and vulnerability, we have all been told by multiple staff in different ways and in different meetings “to go look at the reports,” referring to the 2018 Reports completed by Human Services Research Institute, Burns and Associates, and the Institute on Community Integration at the University of Minnesota. These reports can be found on the DHS Waiver Reimagine webpage. In these reports, there are significant concerns that we also have found detailing assumptions of our system and omissions of consultant recommendations by DHS including but not limited to:

- A full, integral community partnership with shared decision-making and clear communication of every step in the plan development. (Omission)
- Continued and intentional community consultation concerning key community priorities including MnCHOICES, Direct Care Workforce Shortages, and equity measures including culture, race, language access and geographic disparities. (Omission)
- Spending and service utilization from a high level but no supporting evidence of what the drivers of utilization and spending is for different types of services and populations.
- Demographic data is mentioned but not provided in the full report. Only a brief mention that most waiver recipients are white and female. No indication of baseline demographics of other intersectional identities is included nor is data on drivers of waiver eligibility considered.

Community has made every effort to be a partner and is not met with the same respect by DHS. We are asking you as our elected representatives to hold the Department of Human Services accountable to the people and our resources. We all deserve better. Whether someone lives in a provider-controlled or their own apartment does not change their overall level of an individual’s need and the proposed differences in cost should not be as they are. We need ample, public data confirming that MnCHOICES 2.0 is easy to navigate, the assessment is accurate, and that people’s needs are being met with the assessment measures. We have not been able to appropriately advise the Department as we do not have the authority to demand accountability. However, you all as our elected officials are able to do so and it is your responsibility. Thank you for your time and consideration. Please know that I am available by phone or email for any additional questions or discussion.

Sincerely,

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Waiver Reimagine Advisory Committee Charter -

Approved Date: 04/29/2022

Amended Date: 03/18/2022

Vision for Waiver Reimagine

Waiver Reimagine aims to simplify the disability waiver system and create more options for people who use disability waiver services and their families. It represents the ongoing work DHS is doing to make system-level improvements to Minnesota's four disability waiver programs, including:

- Reshaping the four current disability waivers into two
- Moving people to individual budgets
- Creating a common service menu across all disability waivers

Objective

The Waiver Reimagine Advisory Committee was established to inform and support that work by providing insight and advice to the Department of Human Services (DHS) that is representative of the broad spectrum of people who interact with the waiver programs, such as, people receiving services, providers, lead agencies, advocates and families from various cultures and regions of the State.

Specifically, the advisory committee will

- Review the policy and operational development work in progress on reshaping the waivers and moving people to individualized budgets, and give feedback and input to their design.
- Consult with DHS on plans for Waiver Reimagine phase 2, including a report to be submitted to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services prior to seeking federal approval for any aspect of the waiver (projected for December 2023).

Reference: The [Waiver Reimagine Advisory Committee](#) will provide feedback and help to develop several proposed plans for Waiver Reimagine: [Waiver Reimagine - Phase 1 Service Streamline and Phase 2 Recommendations for Reshaping Waivers and Individualized Budgets](#)

Guiding Principles

As the need for waiver programs grows, we must respond to challenges that people and families have told us about. The waiver system should support people to lead a meaningful life based on their goals and what is important to them.

Waiver Reimagine is intended to address the challenges people and families have raised. Common concerns about waiver programs, include:

- Waiver programs are too complex and difficult to understand.
- People feel like there is a lack of information.
- There is limited flexibility, control and choice over services.

Waiver Reimagine is meant to respond to these concerns by:

- Making the waiver system easier for all to understand and use.
- Empowering people with more control over their services.
- Providing equity across waiver programs and people.

For people who receive services and their families, the Waiver Reimagine project will:

- Make it easier to describe the services they want
- Provide information about services and budgets to give people more choice and control over planning services and supports
- Provide equitable access to services and funding, regardless of disability and in which county or tribal nation a person lives
- Increase options to self-directed services, use technology and remote supports as alternative support options.

Related Topics for Waiver Reimagine

The following topics are ongoing, critical issues for the disability community and Minnesota. However, Waiver Reimagine may not directly address or solve these emerging policies, new projects, or real issues. They will come up throughout our discussion and policy development, however we wanted to call them out as outside of the direct Waiver Reimagine project.

Please see more details based on each topic below.

- COVID-19 ongoing effect on services
- Workforce shortage

DHS understands that the workforce shortage and the COVID-19 pandemic are critical and primary issues for our committee members, as well as the disability community. By listing them as “out of scope,” DHS is stating that the changes proposed by Waiver Reimagine will not directly solve or eliminate either issue. There may be

policies within Waiver Reimagine, such as increased flexibility to self-direct care and services that may address the workforce shortage---DHS understand the committee members will provide input based on their real experiences. These real and very difficult issues will inform the context of Waiver Reimagine decisions.

- Current payment rates for services
- Program eligibility
- Provider licensure and compliance

The three topics above are included in “out of scope” to alert the public and the committee members that Waiver Reimagine does not include changes to current disability waiver service payment rates, Medicaid or disability waiver program eligibility, or provider licensure and compliance rules.

- New MnCHOICES assessment launch and content
- CFSS launch and implementation timelines

The two topics above are include in “out of scope” to alert the public and the committee the two expansive, ongoing projects managed by DHS, the new MnCHOICES assessment and CFSS, are separate projects from Waiver Reimagine. There are acknowledged critical interdependencies between the two projects; for example, the individual budgets of Wavier Reimagine are based upon the MnCHOICES assessment. However, Waiver Reimagine does not propose changes to either of these projects.

Waiver Reimagine Advisory Committee decision making process

The process is transparent and public.

The Waiver Reimagine Advisory Committee falls under [Minnesota’s Public Meeting laws](#). DHS invites the public to provide written comments and view the meetings.

DHS also supports the committee members’ ability to speak freely, provide input, tell about their own personal experience, and participate in constructive discussions with each other.

Recommendations made by the Committee are subject to agency approval, state legislative approval, and federal approval. Recommendations must be practical and feasible.

DHS will make sure the committee members understand the level of decision making, input, and control they have for each issue raised. For example, if a certain issue is a federal Medicaid law that cannot be changed at the state or local level, DHS will make that clear to the committee.

DHS will provide adequate context when presenting policy proposals as to what decisions have been made, are being made currently, or will need to be made in the future. DHS will alert the committee to who all the decision makers are as well as which proposals have multiple options, what the options are, and how the committee’s input will be or was used.

DHS will communicate with the WRAC regarding final decisions on all recommendations.

The WRAC will develop policy recommendations using collaborative and solution focused decision-making processes. Decision-making tools will be used to assess the WRAC's level of support/agreement on policy proposals.

When policy proposals are then decided upon at the agency level, the results will be presented to the WRAC as well, including documentation of their input. The WRAC will also be kept informed of state and federal approvals.

WRAC Membership

WRAC membership comprises:

- People who use disability waiver services under the following waivers:
 - Brain Injury (BI)
 - Community Alternative Care (CAC)
 - Community Access for Disability Inclusion (CADI)
 - Developmental disabilities (DD).
- Parent, guardian, family member or unpaid primary caregiver of person who uses disability waiver services under the BI, CAC, CADI or DD waiver
- Disability and behavioral health advocates who work or volunteer for an organization that serves people with disabilities
- Disability waiver service provider or provider organization
- Lead agency (county or tribal nation) representative
- Representative of a Minnesota tribal nation or a Native American resident of Minnesota

Meetings

The WRAC will begin meeting in early 2022. The meetings will be held virtually every other month for a total of six meetings per year. The WRAC may meet more often if needed; additional meetings will be optional for committee members.

Meeting notices and agendas will be posted on the Minnesota Department of Human Services website and/or sent out at least one week prior to the meeting.

The presentation materials, including PowerPoints and any handouts, will be posted publicly as well as provided via email or mail to committee members prior to the meeting.

Terms and Compensation

Terms of office for members are up to four years. However, per statute, the first terms of half the members must end at the same time as the current governor's. Governor Walz's current term ends in January 2023. Terms for members will run from January 2022 to January 2023 or January 2022 to January 2024. Members will have the option of re-applying after their term ends.

Members who are appointed in the categories of people who use disability waiver services or a parent, guardian, family member or unpaid primary caregiver of a person who uses disability waiver service will receive compensation of \$55 per meeting as well as some reimbursement for child care expenses incurred for this meeting.

Committee Member Responsibilities

- Attend all meetings. If a member misses two meetings without good reason, DHS will discuss this with the member and consider appointment of a new member.
- Reach out to member communities and bring their concerns to the attention of the DHS staff
- Take part in discussions.
- Actual conflict of interest or the appearance of conflict of interest may exist in certain situations. Members should disclose, orally in a WRAC meeting, whenever actual conflict or the perception of conflict of interest occurs. Members will then refrain from the participation in discussion of issues pertaining to the matter.
- Review the WRAC meeting materials before meetings and prepare comments or questions.
- Review and make recommendations on proposals presented by the department in accordance with the guiding principles stated above.
- Maintain confidentiality as requested.

WRAC Ground Rules

- When speaking, re-introduce yourself (and who you represent).
- Stay present giving your full attention to this discussion; let us know via chat if you need to leave the discussion and when you are back.
- Please stay focused on the agenda item being discussed. (Take note for reference later).
- Share your main thoughts/key points early when speaking.
- All members have the right to share their ideas and all ideas are valuable.
- Assume positive intent- embracing a mindset that this will lead to something good.
- Listen to other members and DHS with an open mind.
- Be respectful of the process and other participants - including privacy (avoid names).
- Focus on the issue, not the people.
- Advocate for all, not individual situations - stories are shared to inform the policy.
- Summarize what you heard to ensure understanding before reacting to another's comment.