



COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING

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Bill Ritter, Jr., Governor • Joan Henneberry, Executive Director

February 1, 2010

Ms. Julie Reiskin
Colorado Cross Disabilities Coalition
655 Broadway, Ste. 775
Denver, Colorado 80203

Dear Ms. Reiskin,

A handwritten signature in cursive that reads 'Julie'.

Since the transition from Accent to Public Partnership of Colorado, the entire Department of Health Care Policy and Financing has carefully considered several questions and issues raised by the Colorado Cross Disabilities Coalition. We reviewed these questions and issues, not just within Long Term Benefits Division but across the department, including the Medicaid Director's office. Enclosed is our documented response.

Sincerely,

A handwritten signature in cursive that reads 'BP'.

Barbara B. Prehmus, M.P.H.
Director
Long Term Benefits Division

Department Response:
CDASS RELATED PROBLEMS: URGENT AND TIME SENSITIVE

PPL Colorado
HCPF

CUSTOMER SERVICE

1. Poor or no communication with key constituency groups (CDASS advisory committee, CCDC, SEP, clients, attendants, authorized representatives, etc.).

HCPF Response: The Department acknowledges limited communication with key constituency groups. We will continue to make better efforts in communicating with stakeholders to keep everyone involved with CDASS with the most current information. The Department will send a weekly communication via email to stakeholders throughout the transition to PPL of Colorado. This began the week of December 21, 2009 and will continue through at least February 2010. At this time, we will solicit feedback from stakeholders as to its effectiveness. The Department will also schedule monthly advisory committee meetings over the next 3 months and promote the time, location and phone number for conference calling. As a group, we will make a decision on the frequency of future meetings.

2. Failure to return calls when people call staff about individual problems.

PPL Response: PPL is committed to Customer Service. Due to significantly larger than expected call volume (as much as three times larger), the Customer Service staff has been inundated with inbound calls and PPL recognizes that not all outbound 'return calls' have been placed in as timely a manner as they would like.

HCPF Response: Staff will continue to return voicemail messages within 48 hours. Due to a significant increase in volume, email will be returned within 48 hours. The Department will provide weekly updates throughout the PPL Transition through the weekly stakeholder email, including pertinent contact information.

3. People still say they are put on hold excessively and cannot get through. People who leave email messages get no responses. Faxes do not go through and people end up having to send them multiple times.

PPL Response: High call volume and a Telephony problem on 11/30 (corrected by 12/1) have contributed to higher than desired queue times. The high call volume has necessitated staff being available and handling inbound calls and outbound return calls so e-mail messages have not been able to be returned in our desired timeframe of 24 business hours. PPL's coddassadmin inbox (which is where inbound faxed to the Admin fax number are received) is monitored and all inbound faxes received are printed daily.

HCPF Response: Under the Department contract with PPL, PPL is required to return an outbound telephone call and/or provide email alerts to client and/or authorized representatives within 2 business days of any action regarding denial or delay. The

Department will initiate liquidated damages for non-performance after 90 days after the operational start date of December 1, 2009.

COMMUNICATION

4. Failure to provide an advance cover letter to people explaining the process and where they can get assistance before people received a large and overwhelming packet of information.

HCPF Response: The Department recognizes the importance of providing advance client notification and the Department created an informational mailing prior to the mailing of Employee Packets. Due to the time sensitivity of enrollment deadlines and the Department's Clearance Process, the letter was not completed in advance of the Employee Packet. The letter was included with the initial mailing of the Employee Packets. The Department will allow additional time for processing and mailing of future communications.

5. Not running ANY changes through the CDASS advisory committee.

HCPF Response: The Department is committed to including stakeholder feedback regarding CDASS and any program changes. The CDASS Advisory Committee is the preferred mechanism for getting that stakeholder feedback, but acknowledges there may be times when the need for rapid response will make it necessary to communicate using a variety of methods. The Department will create a working group of the CDASS Advisory Committee to provide feedback on interim issues. As a point of clarification, changes related to award of the contract to PPL were discussed at the October Consumer Direction Advisory Committee. The CDASS Advisory Committee agenda will have open discussion time.

6. PPL has set up telephone/webinar training sessions to use the web portal. This has been a large problem as the equipment is not accessible to many CDASS clients, the phone lines don't work and cut people off, the webinar presentations have stopped working mid-training, etc. The people that have tried to use the web portal have had problems such as not having it recognize employees and clients, having difficult requirements for passwords (having to use one letter, one number and special character, requirements that will be difficult for many people with certain kinds of disabilities).

PPL Response: PPL has employed more than one methodology for instructing clients on how to use online timesheets. Instructions for how to use the web portal for employee timesheet entry have been available on the general PPL website (<https://publicpartnerships.com>) since November 16th. Additionally, webinar sessions were also set up. For clients and/or ARs that have had computer set ups that accommodate setting up WebEx, this has seemed to be a useful method for group training. Some of the sessions have had technical difficulty but the majority of the sessions have received very positive feedback from the participants. A third venue for receiving education on online timesheets is via Customer Service. PPL recognizes that the initial launch of the web portal contained an error which caused clients and/or employees logging on to receive a message that their ids

were not recognized. This was rectified quickly and within 48 hours a fix had been deployed to fix this issue.

PPL is willing to discuss simplifying the password requirements for future releases.

7. We are still getting complaints that case managers are telling clients the CDASS program is shut down or simply do not mention it to clients as an option. A disruptive transition is going to further erode the programs reputation.

HCPF Response: The Department continues to develop monitoring tools and educational resources for Case Managers to ensure HCBS options are discussed and client choice opportunities provided. The proposed HCBS Service Plan modifications are currently in clearance and highlight the importance of offering client choice options. The modification requires Case Managers to document evidence that various care models, including CDASS, are discussed. Entry of new clients to CDASS is suspended during the transition to PPL to ensure that existing CDASS clients experience as minimal disruption as possible.

8. The CDASS advisory committee meetings have been cancelled more often than not over the past year. None of these issues or changes has been brought to us. The enacting legislation and intent of the general assembly is that this program is consumer directed at ALL levels, not just the individual client budget. Many of these problems could have been prevented had these issues been brought to us.

HCPF Response: The Department held Quarterly Consumer Direction Advisory Committee meetings in March, June, October, and December of 2009. The Department will increase the frequency of meetings to a monthly basis for at least the next 3 months. The Department will solicit agenda items from members, in addition to Department identified items.

POLICY

9. Changing the percentage paid to PPL with no consultation or even advance notice to clients.

HCPF Response: The Department Procurement Process is strictly managed by the State Controller and contractors are chosen based on a Request for Proposal (RFP). The RFP was posted and available to interested parties for review, the administrative fee limit in the RFP was 12%. The Department RFP Process is confidential until the intent to award a contract is released. Contract negotiations are between the Department and the Contractor.

10. Intertwining of another issue that we are not sure is related to the transition. SEP's are conducting surprise reassessment of CDASS clients without telling clients the purpose and imposing budget cuts on the PPL rate increase without prior notice or consultation.

HCPF Response: The Department has not directed Case Managers to reassess clients for the purpose of adjusting allocations specific to State budget cuts. The PPL administrative fee was part of the contract negotiation which was confidential until finalized. Case Managers

are required to perform a reassessment at the CSR visit and/or at the request of a client to adjust an allocation. Case Managers schedule assessments with the clients and should not be unannounced. HCPF will notify SEPs that home visits should not be unannounced.

11. Immediately cease having the Single Entry Point agencies reassess every CDASS client. Provide a clear formula for processing the cuts whereby clients can do their own calculations. Any reductions above 5% that were done outside of the normal re-determination process should be reversed and no further reductions should take place outside of the normal redetermination process unless there is a reason outlined in rules.

HCPF Response: The issue of reassessment is addressed in the response (#10) to the previous question. The mandatory state budget reductions were applied using a tool provided to case managers. The tool is available to clients at <http://www.colorado.gov/cs/Satellite?c=Page&cid=1212398225254&pagename=HCPF%2FHCPFLayout>.

PAYROLL

12. First Payroll. What needs immediate attention is the first payroll:
 - a. The first payday is scheduled on Christmas day. Clients have been told that PPL will pay on December 24. Unfortunately, state employees will not be available to remedy problems we expect such as employees not getting paid at all or properly and employees not being entered into the PPL system. Some of the reasons we are so concerned about payroll are outlined below in the sections about timesheets and employee packets. Based on our experiences submitting new employee paperwork to PPL, we are expecting wide-spread problems. Having CDASS employees, hundreds of low-wage workers who help the most severely disabled in the state, not receive their checks on Christmas will be devastating and a potential political nightmare for the state. Because there are so many problems we are suggesting the following as immediate remedies:
 - i. That HCPF form a small sub-advisory committee to meet weekly with high level staff and PPL to address and resolve problems. CCDC must have representation in this group and we can suggest other members.

Agree. HCPF will form a small sub-advisory committee to meet weekly.

- ii. A weekly email from HCPF to all interested CDASS clients who have e-mail about what problems are being solved. CCDC can re-distribute this and make it available to our members.

HCPF will provide a weekly email communication as outlined in the communication response above.

- iii. A name and number of someone at HCPF that has the authority and will be available to solve problems and that will return calls within 24 hours. This person will need to be available on 12/24/09 unless HCPF requires PPL to do the first payroll early so that problems can be remedied before the day that employees are legally entitled to have their checks.

iv.

PPL response: PPL will be cutting checks for the December 1 – 15th pay period on a rolling basis beginning 12/18. There will be 2 check runs the week of 12/21 and another the week of 12/28 in order to continue to correct timesheet errors and process enrollment packets.

HCPF Response: PPL of Colorado Customer Service agents were available on 12/24/09 to answer questions regarding checks. HCPF staff were be available on 12/24/09 to provider customer service.

- v. A list of issues and resolution status on the HCPF web site.

HCPF Response: The Department will continue to update the Web site with updates and additional issues that arise.

13. The above-referenced solutions are necessary to rectify the significant and widespread problems experienced by CDASS clients and attendants so far. Below is a list of the problems that we know of right now. The first priority must be on making the first payroll happen accurately.

- a. Verification that employees are processed and in PPL's system for payment. This is one of the issues we went over in great detail when talking to HCPF about what we needed in the new contract.
- b. Receipt of employee materials. Clients do not get verification when they mail, fax or email employee materials unless the client is aggressively pro-active. (Some clients, after discovering PPL did not provide confirmation of employee status or could not locate paperwork confirmed sent by facsimile status sheets and e-mail sending verification devices, personally have delivered employee paperwork to PPL's offices, a time-consuming process after already spending time preparing, scanning, faxing the paperwork, etc.). We have reason to believe that many clients have followed the instructions and sent in the materials and think employee paperwork has been processed, but PPL actually does not have the paperwork.

PPL Response: Post transition, PPL will process new employment packets within 3 days of receipt and will make an outbound call to the client or AR regarding the status of the packet. The client or AR will be notified if there is any paperwork that is missing or if the paperwork is complete. After the criminal background/board of nursing check is completed, client or AR will be notified via an outbound call of the outcome of the check. Once paperwork is complete, outbound calls will be made to the client or AR to give them the employee's 'Employee ID' needed for timesheets. Paperwork that is faxed to the Administrative fax number or e-mailed to the coddassadmin e-mail address will be responded to within one business day letting the sender know that the fax or e-mail has been received.

- c. Verification of timesheet receipt that verifies the employee name, the number of hours and the wage. This is essential to assure a successful payroll.

PPL Response: The online timesheet system will provide immediate feedback upon submission. For paper timesheets, PPL will notify clients or ARs within 2 business days of identification of issue if there are problems with the timesheet. Outbound calls will not be made for timesheets that contain no errors (or minor obvious errors that can be corrected by PPL). The PPL Customer Service line (1-888-752-8250) should be used for all payment questions.

- d. There should be a notice to clients that they should expect verification and how that will happen for first payroll. The notice should identify a specific name (or names) and email addresses of individuals to call if they do not receive verification.

PPL Response: same as above

14. We need clarification regarding employee direct deposit. PP must inform us so that we can inform our employees regarding how they will be paid. We have heard that direct deposit might not happen for several pay periods. Is this true and if so when will we be notified- most of our workers have things set up to be taken out the day after payroll is due? If they are going to mail checks, then the worker has to take them to the bank and wait for clearance that will cause bounced checks and late fees, especially if they don't know about it.

PPL Response: The first paycheck cannot be direct deposited due to bank policy that cannot be changed. Banks require a 'pre note' submission to ensure routing information is correct prior to accepting electronic funds to be deposited. This takes at least one paycheck cycle so the first paycheck will be a paper check.

TIMESHEETS

15. Time Sheet Issues: The time sheet situation is still a problem.
 - a. PAPER TIME SHEET:
 - i. For each pay period, HCPF/PPL directs us to fill out three timesheets for each worker, one for skilled care, one for personal care and one for homemaker. We have been clear many times that lives do not work like this, e.g., while an attendant is performing a skilled task like performing a bowel program, the attendant may do laundry and other housekeeping or personal care tasks. We already addressed this issue and rejected it because it is too complex and time consuming and worked out a compromise that has worked well.
 - ii. No one has told us why we cannot continue to use the same time sheets we have been using with which all CDASS clients are familiar and comfortable. This is going to cause tons of confusion and mistakes.

PPL Colorado's Response: The development of the current time sheet is a temporary effort to best improve quality assurance of services and financial controls of the CDASS program. PPL Colorado conferred with industry experts who reached out to CMS and confirmed with them the need for tracking total hours worked by day. All other PPL clients in all of our other state programs have timesheets requiring 'Time In' and 'Time Out' (time of day) on a daily basis with separate timesheets for separate services. The Colorado timesheet is the simplest one we have seen in any state.

HCPF Response: We recognize CDASS client and attendant concerns about multiple timesheets and we will work with you and PPL Colorado to address these concerns to simplify after the transition is completed. Changing the timesheet prior to operational launch on December 1, 2009 was not possible.

- b. ONLINE TIME SHEET: There are many problems with the online time submission as well.
 - i. Without any notification to clients (or employees), the attendants, not supervisors, are required to enter time for later approval by supervisors. This is not consumer direction.
 - ii. There is not a method for a client/supervisor to control this (e.g., whether employee does it, whether employee's internet connection works, when the employee enters time).
 - iii. Many attendants do not have internet access and cannot use this system.
 - iv. Clients will not relinquish our responsibility to ensure timely and accurate time sheets.
 - v. Also, clients cannot ask or demand that employees spend hours of time learning and using a system outside of their work time for which they are not compensated.
 - vi. Clients also cannot force attendants to enter time on any particular schedule, which means the time the supervisor has available to enter/approve time may not coincide with when the employee actually enters time.
 - vii. Our Attendant Support Management Plans do not provide for this.
 - viii. Our attendants have not agreed to it.
 - ix. If clients do not have complete control of entering and submitting time we should not be held responsible for over budgeting or errors.
 - x. The only way to do it now is to sign on as the employee, however if we can do that then the employee can sign on as us also.

- xi. Clients should be responsible for entering time, if a client wants to ask the aide to do that for the client and has that trust the client can do so but still retains responsibility for timely and accurate submission.
- xii. PPL says that they are working on a fix. This fix needs to happen quickly.
- xiii. Submission of employee time should not be subject to many different attendants entering time for later approval by clients/supervisors because this is fraught with problems including an attendant's computer going down, not having access to the system at the last minute, etc.

PPL response: In response to client and HCPF request, PPL has released functionality for clients to create and submit timesheets on behalf of their employees. This functionality will allow clients to create timesheets, save them in order to continue to enter employee's time during a pay period, and submit them at the time when the employee has concluded their service hours for the client.

HCPF Response: Timesheets were addressed at the October 21, 2009 and December 16, 2009 Advisory Committee Meetings and the Department has agreed to further discussions regarding the timesheets with PPL and members of the committee. A subcommittee composed of stakeholders, PPL and Department staff will be formed to address the issues with the timesheet and determine possible solutions to address the concerns.

- 16. Clients need to know what our client number is and what our employee number is. We have heard (Karen Brouillette has said) that the employee number is the same as what they had at Accent, but no one has told us this specifically.

PPL Response: The instructions for timesheet entry included in the original employment packet information sent by PPL indicated that a client's client number is their Medicaid ID number (same as with Accent) and employees employed with Accent would retain their Accent Employee ID number. PPL realizes that this information should have been more prominent and evident.

- 17. Large print and other alternative format time sheets must be made available upon request. These have not been provided despite requests.

PPL Response: The timesheets are faxed into a character-recognition software that will not currently accept enlarged timesheets. PPL is researching creating a large-font timesheet and plans to release this in January 2010.

- 18. Time sheet instructions for both paper and on line submission need to be made much clearer. We have received CDASS client input indicating that people do not understand differential pay, if they are required to report time daily or in a lump sum, etc. For paper time sheets, I read an email that PPL had said not to photocopy time sheets, but that was not in the material and we were only given one time sheet. Everyone will be using dozens of time sheets per pay period, all of which will need to be faxed multiple times because of the inherent unreliability of fax machines and

PPL's demonstrated unwillingness to confirm receipt. Under this system, PPL should have sent us all 100 or more copies, although changing the system to make it work is preferable to having them send thousands of sheets of paper.

PPL Response: PPL has deployed instruction for online timesheet submission in both paper and group training sessions. Customer Service is available to assist in timesheet instruction as well.

19. We have not yet received a valid "show me the money" chart with wages that go above \$17.00 per hour and cannot do a budget properly without this information.

PPL Response: A new "Show Me the Money" chart has been created with updated Worker's Compensation and Unemployment rates. Per request, this chart now reflects wages through \$25/hour. This chart will be deployed to the PPL general website shortly.

HCPR Response: The "Show Me the Money" chart has been posted to the PPL Web site.

EMPLOYMENT PACKETS

20. We need clarification that clients who need to replace an aide can submit new employee paperwork anytime and have it processed timely. We have one person whose primary worker is on maternity leave and she was told that she could not hire a new worker until January or that it would take six weeks to process the employee. Many clients are losing some old back-up attendants during this transition process and need to hire additional attendants to ensure no coverage gaps. New employees (whether they were with Accent or not) must be processed.

PPL response: New employee packets can be submitted at any time. During the transition phase, packets have been reviewed and processed on an ongoing basis. Timeframes have varied due to the large number and unpredictable schedule of receipt of employment packets. Post transition, PPL anticipates processing an employment packet within 3 business days of receipt. Processing the packet includes reviewing for completeness, entering the information that is present into the PPL web portal, and making an outbound call to the client or AR regarding the status of the packet.

21. PPL was calling employees directly if there was a perceived missing document, not the supervisor, who is ultimately and contractually obligated to ensure employee paperwork is complete and submitted. PPL must contact the supervisor, and it should be up to the supervisor to decide if the employee should talk to PPL or if the supervisor should address the issue.

PPL Response to Questions 21-23: Upon receiving this feedback, PPL changed their process and no longer makes outbound calls to employees. PPL will make two outbound attempts to reach clients regarding missing employee paperwork and then will send a letter to the client outlining any missing items.

22. The supervisor needs to have a complete set of documents for each employee's paperwork. If PPL bypasses the supervisor and obtains a document, e.g., an I-9 identity verification document, the supervisor may never see it.
23. Again, attendants do not get paid to address these issues and should not be bothered about them except if the supervisor requests. Also, PPL has called some employees requesting paperwork when, in fact, the supervisor had the document and had verification the document had already been sent to PPL. We are advising CCDC members to direct their attendants to tell anyone calling from PPL to contact the client/supervisor. It is not proper protocol in any employment situation to go outside of the direct supervisor elsewhere in the company and it is not a good situation to allow employees to communicate with the company without approval from the supervisor/client. Supervisors are responsible for insuring the accuracy of all paperwork provided; therefore, they must be the contact persons if PPL believes there is something inaccurate or missing from the packet.
24. PPL had told us that they had online editable employment packets. This is not the case. The .PDF employee packets on the website are not readily editable and have to be printed and filled in by hand. All documents should be able to be completed on a computer as many clients do not have adequate hand function to write out an application or a time sheet. PPL could have easily fixed this with off-the-shelf technology.

PPL Colorado's Response: PPL Colorado recognizes that editable online forms would make completing the forms an easier process. We are researching the feasibility of making the online forms editable in the near future but this can not be accomplished prior to operational launch.

25. Some employees are Spanish-speaking. HCPF provides materials in Spanish and has some obligations on limited English proficiency. PPL should have the application and documents available in Spanish.

PPL Response: PPL is planning on translating the enrollment packet materials into Spanish.

HCPF Response: The Department will monitor this task to ensure PPL translates the enrollment packet materials into Spanish once the transition is completed.

AUTHORIZED REPRESENTATIVES

26. We do not know what the process is for authorized representatives.

HCPF Response: It is the responsibility of the Case Managers to provide PPL of Colorado with Authorized Representative demographic information. The Department recognizes this process caused delay in the data entry process, but has since been resolved. Case Managers have been trained and understand their role in entering appropriate client data.

27. There was no AR paperwork in the packet. One client got a call saying that the "AR form" was missing. What is that form and how are people notified and what happens if they do not get it because no one knows about it?

PPL Response to Questions 27-29: PPL received limited AR information for clients and there was no data to support how recent the AR information was. Because of this, the decision was made to mail all program materials to the clients. As part of the transition, Case Managers have been asked to input AR information into the client records in the web portal. This will give PPL the AR demographic data to use in the future.

Discussions with HCPF and PPL have led to the following guidelines for PPL:

Authorized Representatives: can sign, speak for, make decisions, and communicate to PPL on behalf their clients. AR data comes to PPL via transition data from HCPF/Accent, Case Managers inputting this data into the web portal and/or receiving an "Authorized Representative Designation and Affidavit" form (usually, from the Case Manager). This is a HCPF form. Upon receiving this form, PPL staff will enter the AR information into the web portal.

Designated Representatives: can speak to PPL staff regarding topics/subject areas as designated by the client. No Designated Representative information was supplied to PPL as part of the transition. Currently, PPL is accepting this information on Accent's "Authorization for Release of Information" form. PPL is planning on developing their own form for this information.

Lastly, PPL will be developing a tool to be able to capture information on a case by case basis where parents, spouses, or others may need to translate or communicate on behalf of a client.

28. AR's did not get any letters from PPL.

29. We also now have a problem in at least one SEP where the case manager will not talk to the AR because there is no HIPAA release. We should not need a HIPAA release if there is a valid AR agreement in place.

HCPF Response: The Department will notify SEP case managers to update the AR information in the PPL web portal.

30. At one point there was concern that PPL was saying that one could not be an employee for a client if they were also the representative payee. This is not an appropriate restriction and it is not the business of PPL or even HCPF who may be a social security representative payee.

PPL Response: Per the business rules for the PPL Colorado program, an authorized representative cannot also be an employee for a client. Any other type of representative for the client may also be an employee.

CONTRACT

31. These are all things that we specifically requested in our meetings with HCPF via the LTC committee in subcommittee meetings called specifically to discuss the new vendor and what we needed.

- a. We need a PPL organizational chart with names and contact numbers. Many clients with disabilities cannot do phone tree menus and need to be able to know who we will talk to with a direct number or way to leave a specific message for a specific person. Many CDASS clients have jobs and need to be able to return a call, not just receive a call. This is not possible under the current system. The only way to get anything done right now is for those of us who have Karen's cell number. The alternative to them publishing this is to be flooded with reasonable modification of policy requests from many individuals. These reasonable modification requests will likely require dozens if not hundreds of individual communication plans. PPL and HCPF have obligations to assure effective communication under the ADA.

PPL Response: During transition, the primary method of communication with PPL is through the Customer Service line. PPL will be assigning each Colorado client to a specific Resource Counselor and this RC's contact information will be supplied to their assigned clients.

- b. General reasonable modification of policy per the ADA process must be made public and available for clients. Requests for accommodation and modification have been made by CDASS clients, and PPL has not responded.

PPL Response: PPL has acknowledged the requests they have received for accommodation. Many of the requests for accommodation (i.e. enlarged timesheets) are planned for the future and PPL has discussed alternative accommodations in the meantime (i.e. creating online functionality for clients to submit timesheets on behalf of employees).

- c. We need to know what the consequences will be for PPL errors. PPL has informed us that if there are any problems with paperwork submissions, employees will not get paid. We need to know what the State will do if PPL makes a mistake at time of payroll and an employee is not paid properly.

HCPF Response: The contract between the Department and PPL contains specific performance standards, reporting requirements and liquidated damages. The CDASS program administrator will monitor these standards on a monthly basis and if remediation is necessary, the liquidated damages (fines) will be assessed to PPL until the performance standard is met.

- d. Please provide the contract obligation of PPL regarding responses to client concerns and inquiries.

HCPF Response: PPL will work collaboratively with Clients and Authorized Representatives on all aspects of consumer-directed services ensuring they have equal access to services. In addition, PPL will verify that all submittals by clients and/AR are complete, accurate, allocable, timely and submitted as necessary. A monthly expenditure report will be

1.5% Effective September 1, 2009
1% Effective December 1, 2009

The FMS contract administrative fee has increased by 1%, from 10% to 11%. A total of 3.5% reduction was made to clients

35. The numbers of our new allocation does not follow a pattern and clients have no way to determine if the number is accurate or not. Moreover, clients are just now getting these letters, but PPL requires us to give them 7 days notice to change wages. Not to mention we do not have the accurate show me the money charts to calculate budgets. Because clients cannot be sure of their precise allocation amounts it is quite likely that clients could over budget or go without necessary care at the end of the month. Most of us already set our hours and wages for the payroll period. The letters do not contain any citations to rules, have no appeal rights and do not even tell us how the decrease was calculated. The letter does not reference an executive order or change in state rule or law.

HCPF Response: The Department will prepare a final update to the clients when all allocations have been adjusted using formulas as referenced in the example above. The Department will ensure that the letter references the authority for the budget cuts in the new letter. In the meantime, clients should budget to an amount approximately equal to 3.55% less than their July 2009 monthly amount when setting wages.

36. The letter is unclear as to if the PPL increase is the 1% cut. It is our understanding that PPL will be receiving 11% of each client's allocation; however, we have never been informed of this in writing in a formal way. This too is a reduction in clients' total allocations. When will clients be notified formally of PPL's percentage payment of their allocations, and will PPL be providing additional services for the increased amount each client pays?

HCPF Response: As discussed above, the client received 90% of the total allocation throughout the last 6 months. As of December 1, 2009 the contractor fee paid to PPL became 11%. This resulted in a shift of approximately 1% from the client monthly amount to the contractor monthly amount. PPL allocation increase includes start up costs and the agency will be providing additional services for clients to include web portal access for clients, attendants, case managers and Department staff; closer monitoring of allocation to prevent over expenditure of allocation, ability to print checks from local office after the transition is complete etc.

ISSUES TO RESOLVE LATER

37. Employees must be able to obtain paid time off, particularly for sick time. Not doing so is detrimental both to the employees and the program. The current prohibition against paid time off causes workers to come to work ill or injured because they cannot afford to lose pay. The result of sick employees working for clients is that the clients, some of whom are at greater risk as a result of exposure to illness, to become sick or hospitalized.

provided to each client and/or Authorized Representative for the purpose of monitoring of expenditures. PPL is to provide the monthly expenditure report to client and/or AR ten business days after the end of the month.

32. There are several issues that have arisen that lead us to believe that the state withheld information from PPL. There were clauses in the contract that CCDC had Accent remove that were in the PPL contract.

HCPF Response: Please provide more details so that the Department can provide a more detailed response.

ALLOCATIONS

33. Allocation amounts are unclear. We received a 1.5% cut as of 9/1/09 that we were not notified of until late October. The cut was implemented inconsistently around the state. Some clients were told that the 1.5% only was for personal care and homemaker and others had it applied to their entire allocation. The amount was never taken out of the Accent allocation so the reduction never showed in our statements.

PPL Response: CDASS client monthly allocations are determined by HCPF and Case Managers from SEP Agencies. Timesheets will be processed and paid based on the monthly allocation information given to PPL by case managers.

HCPF Response: Rate Reductions of 1.5% on 9/1/09 and 1.0% on 12/1/09 were implemented for the entire CDASS allocation based upon mandatory State budget reductions. Case Managers have been provided new worksheets to determine Client's allocations. The Department will provide Technical Assistance to Case Managers if needed.

34. Some clients received letters in the past week stating that there was another 1% cut effective 12/1/09 and that our allocation was also adjusted to account for an increase to PPL. The letter does not say where the 1% cut came from nor does it say how much our allocation was adjusted for the PPL increase. Apparently what happened is that Accent took a 2% cut last year sometime during budget cuts but clients were never notified that they were receiving 8% not 10% and nothing changed in our statements. We got and accepted the 1.5% cut and even agreed not to argue about the erroneous way it was being calculated (across the board rather than only to unskilled services) even though agency clients did not have a cut in their health maintenance wages. Now we are told there is another 1% cut and an increase in the amount taken from client allocations to pay the fiscal intermediary. This means that CDASS clients get a 5.5% cut (2.5% in provider rates and 3% to increase the fee from 8%-11%) -this is way out of proportion to agency cuts. Is the December 01 cut of 1% an additional cut and is that applied to agencies also? If so did it apply to all services or just PCP?

HCPF Response: No changes were made to client allocations in July 2009, as mandatory State budget reductions were not made to certain HCBS services. The Department did negotiate a reduction in the amount of administrative fee paid to Accent Intermediary Services as a budget reduction item. Home Health and HCBS cuts due to State budget reductions were also applied to CDASS as follow:

38. While we realize the department is trying to address health insurance more broadly, we are disappointed that HCPF did not address this at all. Employees had at least a very minimal level of available insurance with Accent, but with PPL have no insurance option. At the very least HCPF could make all CDASS employees who work more than a set number of hours a week eligible for CACP if they are not eligible for Medicaid or other insurance.

HCPF Response: These issues will be added to the Consumer Direction Advisory Committee Agenda for further review.

- iii. A name and number of someone at HCPF that has the authority and will be available to solve problems and that will return calls within 24 hours. This person will need to be available on 12/24/09 unless HCPF requires PPL to do the first payroll early so that problems can be remedied before the day that employees are legally entitled to have their checks.

iv.

PPL response: PPL will be cutting checks for the December 1 – 15th pay period on a rolling basis beginning 12/18. There will be 2 check runs the week of 12/21 and another the week of 12/28 in order to continue to correct timesheet errors and process enrollment packets.

HCPF Response: PPL of Colorado Customer Service agents were available on 12/24/09 to answer questions regarding checks. HCPF staff were available on 12/24/09 to provider customer service.

- v. A list of issues and resolution status on the HCPF web site.

HCPF Response: The Department will continue to update the Web site with updates and additional issues that arise.

13. The above-referenced solutions are necessary to rectify the significant and widespread problems experienced by CDASS clients and attendants so far. Below is a list of the problems that we know of right now. The first priority must be on making the first payroll happen accurately.
 - a. Verification that employees are processed and in PPL's system for payment. This is one of the issues we went over in great detail when talking to HCPF about what we needed in the new contract.
 - b. Receipt of employee materials. Clients do not get verification when they mail, fax or email employee materials unless the client is aggressively pro-active. (Some clients, after discovering PPL did not provide confirmation of employee status or could not locate paperwork confirmed sent by facsimile status sheets and e-mail sending verification devices, personally have delivered employee paperwork to PPL's offices, a time-consuming process after already spending time preparing, scanning, faxing the paperwork, etc.). We have reason to believe that many clients have followed the instructions and sent in the materials and think employee paperwork has been processed, but PPL actually does not have the paperwork.

PPL Response: Post transition, PPL will process new employment packets within 3 days of receipt and will make an outbound call to the client or AR regarding the status of the packet. The client or AR will be notified if there is any paperwork that is missing or if the paperwork is complete. After the criminal background/board of nursing check is completed, client or AR will be notified via an outbound call of the outcome of the check. Once paperwork is complete, outbound calls will be made to the client or AR to give them the employee's 'Employee ID' needed for timesheets. Paperwork that is faxed to the Administrative fax number or e-mailed to the cocdassadmin e-mail address will be responded to within one business day letting the sender know that the fax or e-mail has been received.

- c. Verification of timesheet receipt that verifies the employee name, the number of hours and the wage. This is essential to assure a successful payroll.

PPL Response: The online timesheet system will provide immediate feedback upon submission. For paper timesheets, PPL will notify clients or ARs within 2 business days of identification of issue if there are problems with the timesheet. Outbound calls will not be made for timesheets that contain no errors (or minor obvious errors that can be corrected by PPL). The PPL Customer Service line (1-888-752-8250) should be used for all payment questions.

- d. There should be a notice to clients that they should expect verification and how that will happen for first payroll. The notice should identify a specific name (or names) and email addresses of individuals to call if they do not receive verification.

PPL Response: same as above

14. We need clarification regarding employee direct deposit. PP must inform us so that we can inform our employees regarding how they will be paid. We have heard that direct deposit might not happen for several pay periods. Is this true and if so when will we be notified- most of our workers have things set up to be taken out the day after payroll is due? If they are going to mail checks, then the worker has to take them to the bank and wait for clearance that will cause bounced checks and late fees, especially if they don't know about it.

PPL Response: The first paycheck cannot be direct deposited due to bank policy that cannot be changed. Banks require a 'pre note' submission to ensure routing information is correct prior to accepting electronic funds to be deposited. This takes at least one paycheck cycle so the first paycheck will be a paper check.

TIMESHEETS

15. Time Sheet Issues: The time sheet situation is still a problem.
 - a. PAPER TIME SHEET:
 - i. For each pay period, HCPF/PPL directs us to fill out three timesheets for each worker, one for skilled care, one for personal care and one for homemaker. We have been clear many times that lives do not work like this, e.g., while an attendant is performing a skilled task like performing a bowel program, the attendant may do laundry and other housekeeping or personal care tasks. We already addressed this issue and rejected it because it is too complex and time consuming and worked out a compromise that has worked well.
 - ii. No one has told us why we cannot continue to use the same time sheets we have been using with which all CDASS clients are familiar and comfortable. This is going to cause tons of confusion and mistakes.