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**Medicaid Advisory Board**  
**Meeting Minutes**  
September 25, 2008

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**PRESENT**

**Board:** Christina Colombe (Member), Sarah Littlefeather (Member), Kristi Kistler (DHMC), Kay Van Woert (Parent to Parent), Edna Fairbanks-Williams (Member), Larry Goetschius (VAHHA), Garry Schaedel (VDH), Michael Sirotkin (COVE), Dale Hackett (Member), Deborah Lisi-Baker (Member), Madeleine Mongan (VMS), Lila Richardson (HCO) and Sharon Henault (Member).

**Other Interested Parties:** Brendan Hogan (DAIL) and Cherie Bergeron (EDS).

**Staff:** Joshua Slen (OVHA), Lori Collins (OVHA), Clark Eaton (OVHA), Stacey Baker (OVHA) and Robert Larkin (OVHA).

**HANDOUTS**

- Agenda
- June 26, 2008 Meeting Minutes
- July 24, 2008 Small Work Group Minutes
- State Fiscal Year (SFY) '09 MAB Meeting Dates
- DCF Proposed Rule Changes to Health Care Programs – Bul # 08-40P
- Memo-Proposed State Plan Amendment-Long Term Care Facilities – 09-17-08

**CONVENE**

Kay Van Woert chaired the meeting.

**Approval of Meeting Minutes**

The June 26, 2008 meeting minutes were submitted for approval and were approved unanimously by the board.

**Proposed Rule Changes to Health Care Programs – Betsy Forrest/Les Birnbaum**

Betsy Forrest, Health Care Affordability Director for the Office of Vermont Health Access (OVHA) and Les Birnbaum, of the Department of Children and Families, presented changes made to the Vermont Health Access Program (VHAP), Employer-Sponsored Insurance Assistance (ESIA) Program, and the Catamount Health Assistance Program (CHAP).

Bulletin No. 08-40P was circulated to the Board and discussed in detail. The bulletin proposes changes to the above listed health-care programs. The changes implement:

- 1) A premium indexing requirement;
- 2) Interim coverage, pending transition between health-care programs;
- 3) A new premium- assistance waiting period relating to the high-deductible exception to Catamount Health (CH) waiting period;
- 4) A limitation on reenrollment in a health-care program prior to completion of certain requirements that were unmet in a prior application attempt; and
- 5) Statutory modifications of the definition of “uninsured.”

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A copy of Bulletin 08-40P can be provided; please contact either Clark Eaton or Robert Larkin at the OVHA to request a copy.

**State Plan Amendment (Nursing Homes) – Leslie Wisdom**

Leslie Wisdom, Staff Attorney for the State of Vermont Division of Rate Setting, explained the proposed State Plan Amendment regarding Methods, Standards and Principles for Establishing Medicaid Payment Rates for Long-Term Care Facilities (State Plan Transmittal No. 08-14).

The Division is amending the State Plan to adjust the amount of inflation paid to nursing homes as part of Medicaid rates for SFY '09 only. Specifically, the State Plan change amends Medicaid rate setting for nursing homes by modifying the methodology for calculating inflation factors for SFY '09 only for nursing home rates in the following categories: Nursing Care, Director of Nursing, Resident Care and Indirect. A preliminary computation of the inflation factors for SFY '09 will be made according to the provisions of the State Plan already in effect, but the amount of the increase in inflation between rate years '08 and '09 shall be limited to one half of the difference between the inflation factors as used to calculate the rates for SFY '08 and those in the preliminary computation in SFY '09.

The overall effect of the State Plan change will be to reduce the projected costs to the Medicaid program by \$1,615,375 for SFY '09 only; \$649,704 of the savings will accrue to the state and \$965,671 to the federal government.

**Director's Update – Joshua Slen**

Joshua Slen, Director of the OVHA, discussed general budget information, the budget allocation for Early & Periodic Screening, Diagnosis & Treatment (EPSDT), Medicaid Transportation, the GAO audit review and the Global Commitment cap.

The OVHA will use the same budget building process, starting in October, for the 2010 budget. This may not be an easy upcoming budget year. With a \$43 million state fund deficit already anticipated, there may be too little state funding available during the budget process to offset the needs in the Medicaid program.

There was \$2.4 million allocated in the SFY '09 budget for EPSDT, but no decision has been made yet on how to assign and distribute these funds. Lori Collins, Deputy Director of the OVHA, recently attended a meeting on this matter and noted that there should be more information available within the next few weeks. Kay Van Woert added that this was a significant amount programmed to meet entitlements for children under the EPSDT program.

The Director summarized activity surrounding Medicaid Transportation. There had been a Request for Proposal (RFP) for a new (Jan. '09) statewide umbrella contract, but this

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has been pulled back. OVHA and Agency of Human Services (AHS) staff members are currently preparing six-month individual transportation contracts for the current broker/providers for the period Jan.-Jun.'09. The intent is to have no change or very minor changes on delivery of services by the participating brokers. A follow-on plan is being developed for the period after June, 2009.

Board members had expressed concern regarding requirements for child safety seat laws and ADA compliance within Medicaid Transportation contracts. There will not be any additional provisions made for safety seats for the Jan.-Jun.'09 contract period. For any immediate questions or concerns, Peter McNichol should be contacted at the OVHA. Stephanie Beck at the OVHA will be asked to brief the MAB in October on Medicaid Transportation activities, future contract development and timelines. Clark Eaton will follow up on American Disabilities Act (ADA) compliance questions that were raised.

The Director provided a brief overview of the Government Accountability Office's (GAO) 2007 review of the Medicaid Demonstration Waivers for Vermont and Florida. Although there were some concerns noted, it would appear that CMS does not plan to take any action involving Florida or Vermont based on this review.

The OVHA is on track regarding the Global Commitment Cap and is projecting to be about \$200 million under the cap for the end of the five year program period. Vermont will complete its third year of operation under Global Commitment as of October 1, 2008. The waiver program has been positive overall for Vermont and has allowed the state to make numerous investments that wouldn't otherwise have been possible.

**Small Work Group Report Outs – MAB Members**

*Provider Reimbursement/ Budget Process Work Groups*

Initial discussions on July 24, 2008 within these work groups flowed together. Provider reimbursement increases must be recommended in every budget year to allow for continuous "catch up" increases. There needs to be a strong core Medicaid program and someone watching that core program to see that it isn't eroded. The Tele-Medicine initiative was discussed. One meeting has been held, focusing on home care and the shortage of pediatric psychiatrists. Peter Cobb and Hunt Blair will report on the Tele-Medicine initiative at the October MAB meeting. The budget process group will move to set up a special discussion meeting with Joshua regarding the budget in early November for any MAB members who want to attend. This would not be a formal MAB meeting.

*Dual Eligibility Work Group*

This group has not had a formal meeting yet. Both Jackie Majoros and Brendan Hogan are continuing to gather information, particularly on Durable Medical Equipment (DME). Many of the issues regarding this matter tie directly in with DME. Jackie Majoros will report out more at the October meeting.

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Mobility Devices Work Group

The Mobility Devices Work Group met on September 12, 2008. Due to changing HIPAA requirements and other factors, coding interpretations and the review process for DME's seem to have changed. Also, it does not seem that mobility is being treated as a core ADL. This was a very productive discussion and the group is scheduled to meet again in late October.

Consumer Issues Work Group

The MAB Consumer Subcommittee was scheduled to meet immediately following this meeting.

**New Business – MAB Members**

Lila Richardson requested that the amnesty provisions for pre-existing conditions be noted in the minutes. If consumers sign up for Catamount Health before November 1, 2008, all pre-existing conditions are covered.

**MAB Request Topics**

- SFY '09 Budget Distribution for EPSDT
- Medicaid Transportation Briefing
  - service population, # of rides
  - adult day transportation
  - ADA compliance
  - children safety seats
  - high cost/low volume rides
- Premium Increase impact on SCHIP enrollment and update on premium level
- Possible changes being considered for the pre-existing condition policy

**Next Meeting**

**October 23, 2008**

**Time: 10:00AM – 12:00PM**

**Location: OVHA, Williston, VT**

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**Consumer Subcommittee Meeting**

**Members:** Christina Colombe, Sarah Littlefeather, Edna Fairbanks-Williams, Dale Hackett, Sharon Henault and Kay Van Woert (MAB Chair). **OVHA Staff:** Clark Eaton

A Consumer Subcommittee meeting was held at the OVHA immediately following the September 25, 2008 MAB meeting. The group revisited and discussed its overall purpose – to be sure that consumer/user level input is incorporated into OVHA policy making and, specifically, that these inputs are considered from the outset on policy discussions.

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For now, the group discussed focusing on a single project that would broaden consumer input at the vendor level; in turn, this information could be used as a valuable feedback tool at the OVHA level. The project involves the creation of a postcard/comment card that would be placed with suppliers for Durable Medical Equipment/Supplies. Consumers could provide valuable feedback and suggestions to improve products, availability and service delivery.

Christina Colombe discussed a similar postcard project that had been created at the Burlington District Office using a prepaid postage card; she will get a copy of that, as part of information gathering for the next consumer meeting. Sharon Henault will look at possible questions to include on the postcard.

The group will reconvene next month on October 23, 2008, immediately following the regularly scheduled MAB meeting at the OVHA.