



*******A Governor appointed leadership organization of people with disabilities*******

Pennsylvania Statewide Independent Living Council (PA SILC)

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PA House Aging & Older Adult Services / PA Senate Aging & Youth Committees

**Joint Hearing on Tuesday October 18, 2016 (9:30AM) - Concerns regarding
Independent Enrollment Broker (IEB) Maximus**

Report from Centers for Independent Living (CILs) on Issues with Independent Enrollment Broker (IEB)-Maximus – Aging Waiver and other Office of Long Term Living (OLTL, individuals with physical disabilities under age 60) programs

Good morning. We are here of behalf of the Pennsylvania Statewide Independent Living Council (PA SILC) and the network of the 18 Centers for Independent Living (CILs) in Pennsylvania. My name is Pam Auer from the Center for Independent Living of Central Pennsylvania (CIL CP-Camp Hill) and I am the Director of Living Well with a Disability. With me today is Bebe Evansky, who is the Director of Nursing Home Transition (NHT) from Roads To Freedom, the CIL of North Central Pennsylvania in Williamsport. Stephanie Quigley, the NHT Director from Abilities In Motion (AIM in Reading) and PA SILC also collaborated in creating this testimony.

We appreciate the opportunity to testify today and know some of the members here from prior visits, regarding state budget and policy issues concerning people with disabilities.

We were asked to focus our testimony on individuals who should be going into the Aging Waiver (Age 60 Plus) currently, but need to state that the issues with Maximus date back before April 2016 when Maximus became the IEB for the Aging Waiver. The

challenges for many individuals with physical disabilities under age 60 started in early 2011 when Maximus was awarded the IEB sole source contract for Pennsylvania. As you are aware, a Federal suit was filed by Disability Rights of Pennsylvania in 2011 (Mosley vs. Gary Alexander- then DHS Secretary) and settled where Maximus had to agree to expedite this process, bringing it to 90 days instead of what was taking 6-9 months at the time to enroll individuals in Home & Community Based Services who were deemed eligible. For both populations- then and now, it's fair to state that many people suffered needlessly. Individuals were forced into more restrictive and expensive nursing home settings who didn't wish to be there. This is usually involves greater emotional and financial hardships for everyone involved. Seniors are now sadly facing similar consequences to what those under age 60 started experiencing over five years ago. The IEB results have not markedly improved. It's fair to say that a few individuals died due to the issues we will be noting.

In our roles, we get the calls and e-mails for both populations from individuals, families and many professionals- service providers, supports coordinators, social workers and others. Our CILs are often the front line for this issue. Examples of issues that we have personally seen and heard:

- **Lack of contact with consumers in nursing homes**- Phone calls to individuals in nursing homes are not managed properly. These calls are directed around the facilities and contact frequently isn't occurring at all or in delayed manner. Nursing Home residents aren't reached by IEB or being notified that efforts are made by phone, mail or e-mail. Most individuals in nursing homes have no access to e-mail. Often, mail does not reach them or at least not in a timely fashion.
- **Paperwork completion**- CILs often help consumers with IEB paperwork despite not being reimbursed. Areas Agencies on Aging have limited their assistance here several years ago due to budget and policy changes. Both seniors and individuals with physical disabilities often need help completing the packets, which requires either or both phone calls, and home visits.
- **Lack of IEB Staffing**- IEB in 2011 and now with senior populations-in both instances- has not provided necessary staffing to deal with the calls and paperwork volumes. While staffing levels have increased, we still continue a fair amount of correspondence and recent increases are mostly attributable to seniors and their need for assistance with enrolling in the Aging Waiver.
- **Lack of proper IEB Staff Training**- Even where staffing has been increased, the knowledge of many new IEB staff is lacking due mostly to poor or limited training. It's important for IEB staff to understand the nuances of both under age 60 populations for OLTL programs and for seniors (Aging Waiver). We want to state that there is some

good IEB staff and don't want to paint a broader stroke than needed, but most seem to be lacking knowledge in fundamental enrollment processes.

- **Need for In Home Visits**- It is often not enough to call and mail or e-mail individuals with instructions. A home visit is often the key between getting paperwork completed or not returned. Recent statistics cited by OLTL indicated that 76% of packets for individuals under age 60 aren't being completed while it's 80% for seniors.

- **Clarification and coordination on PA600 and 1768 Forms (PA DHS for Home & Community Based Services –HCBS eligibility), Level Of Care Assessment (LOCA) and roles**- These forms can be confusing. Level Of Care Determination (LOCA) is also not being completed in a timely manner. There is a communication breakdown between IEB and CAOs. The IEB and CAOs do not appear to understand the process of enrollment when an individual is coming out of a nursing home. Many CILs have stepped in and have been completing enrollment due to this breakdown in order to preserve the individual's right to return home. This can take 30-90 days **after** a transition that leads to the compromised health and safety of the individual when services are unable to start.

- **Technology barriers**- Many seniors and people with disabilities have no access internet or faxes. They either live in rural areas or aren't being provided choices in the nursing home to use either one.

- **Coordination with PA DHS County Assistance Office (CAOs)** - There is a lack of proper coordination here, CILS often go between both agencies to complete enrollment due to the lack of coordination between entities.

- **IEB Concerns are not a regional, but a statewide issue**- In both 2011 and now in 2016, we reached out to OLTL and have had calls to discuss IEB issues. Regarding recent changes, we have heard similar stories from CILs in SWPA (Washington), NW PA (Erie), North Central PA (Williamsport), AIM (Reading) and Philadelphia along with what you are hearing from the local Areas on Aging here today. This is a mere sampling of these issues.

- **Different stories on data regarding IEB and OLTL**- Based on communications that we're getting from affected stakeholders; it seems questionable regarding the number of individuals that are being successfully enrolled by IEB with the concerns raised today and previously by CILs, Area Agencies on Aging and other stakeholders. The data doesn't match up.

- **Lack of contract compliance or adherence to guidelines from state (PA DHS) and Federal Government (Centers for Medicare and Medicaid Services-CMS)** - IEB has not only failed to live up to its' contract, but is in violation of both state and federal

policy regarding practices of timely service delivery and rights of consumers. We would refer policy makers back to the Mosely vs. Alexander lawsuit in 2011 noted earlier for details regarding issues raised concern consumer issues, Maximus, their responsibilities and **a review of the compliance with the lawsuit since then along with a side by side comparison of the more recent challenges facing by seniors this year.**

- **A problem for Community Health Choices (CHC)/ Managed Long Term Supports & Services (MLTSS)** - Our state continues to move forward in going from a Fee For Service (FFS) system to a Managed Long Term Supports & Services (MLTSS) system. While the merits of that can be debated, it's safe to say that CHC can't properly work for any populations if IEB issues aren't completely addressed before CHC rollout date of July 1, 2017 in SWPA, January 1, 2018 in SE PA and January 1, 2019 for the rest of the state.

- **IEB Selection**- At this time, Pennsylvania is in the process of selecting an IEB. While returning to prior practices (pre 2011) regarding the IEB is not doable, it is apparent that the current process is not working for seniors and people with physical disabilities under age 60 in Pennsylvania. We can and must do better.

Thank you for the opportunity to testify and we would be happy to answer any questions.