

SEIU Local 668 Testimony on DHS' Intent to Contract with Maximus to Provide Aging Assessment  
Services

Testimony of Service Employees International Union (SEIU), Local 668

Presented to the

HOUSE AGING & OLDER SERVICES COMMITTEE, HOUSE HUMAN SERVICES  
COMMITTEE, SENATE AGING & YOUTH COMMITTEE, AND SENATE HUMAN SERVICES  
COMMITTEE

MONDAY 8/23/2021

SEIU Local 668 supports nearly 20,000 health and human services workers, including those who work as employment and youth counselors, social workers, corrections and probation officers, ChildLine and 911 operators, drug and alcohol counselors, and court employees, among others. Approximately half of our members are employed by the Commonwealth, and another 9,000 work for the municipal, county, and private employers across the state. Our members are a diverse group of individuals of varying ethnicities, political affiliations, and beliefs, but they are united by their dedication to serving our constituents – the people of Pennsylvania.

Our Local proudly represents many counselors and workers at the Area Agencies on Aging as well as state Medicaid enrollment workers. These workers spend every single day working with our Commonwealth's most vulnerable communities, including people with disabilities and senior citizens, helping them gain access to the life-sustaining services they need. These workers raised the alarm months ago when they learned that the Department of Human Services (DHS) decided to negotiate with Maximus to expand the Medicaid enrollment to include a Medicaid assessment function. **Members of SEIU Local 668 immediately knew the swift and dangerous impact this would have** on the consumers they serve every day and the impact it would have on their own family members and friends who need these vital services.

Maximus has a long-standing history of failing the elderly and disabled here in Pennsylvania, **including a class-action lawsuit in 2012 over late enrollments and lost documentation.** Their current subpar performance providing enrollment function has led to a failing grade in 17 consecutive quarters. Meaning that, despite their contractual obligation to complete 97% of enrollments within 90 days, Maximus has failed to meet that goal for 51 straight months or **for more than four years.**

This vital Assessment work, making sure our seniors and persons with disabilities receive the services they need, is currently performed by Pennsylvania's 52 Area Agencies on Aging (AAA). Outsourcing this work would be a dangerous disservice to our seniors and those with disabilities.

Our most vulnerable citizens are served best by knowledgeable public servants from within their community. Area Agencies on Aging (AAAs) workers have continued to assist their consumers, family members, and friends throughout the enrollment process despite being contracted out to Maximus. **Our members live in the same communities as the consumers they serve**--they know the weekly schedules at their senior facilities and can recommend the best local in-home care workers. They're most familiar with the immense amount of paperwork and how to best process it. Because of the sheer amount of knowledge that AAA workers have and continue to build upon, they will always be a better source of information and better locally-based advocates for disabled and elderly Pennsylvania residents in need of assistance.

While we understand that DHS may want to cut costs in their budget, we do not believe they should be cutting costs at the expense of the elderly and disabled here in our Commonwealth. The work DHS is looking to contract to Maximus is already being performed at a better, faster rate by hardworking Pennsylvania residents.

SEIU Local 668 is calling upon the DHS, the General Assembly, and Governor Wolf to **cease all negotiations with Maximus and withdraw their tentative agreement for IEB for the sake of Pennsylvania's elderly and disabled populations** and help protect hardworking Pennsylvania social workers, too.

*Testimony from Jody Kohser, current SEIU Local 668 Business Agent*

*Former Beaver County Area Agency on Aging Care Manager*

Before joining the staff of SEIU Local 668 as a Business Agent in 2019, I worked as a Care Manager with the Beaver County Area Agency on Aging (Beaver AAA) for almost 18 years. I was hired in 2002 and received extensive training through the PA Department of Aging and the Care Management Academy. During this training, much focus was on the next generation of aging residents, that they would have a strong desire to "age in place" and have more of a desire to participate in developing their own plan of care. With a growing senior population at that time, we needed to ensure emphasis on the local community, as federal and state-funded programs for seniors could not alone provide for all their needs.

In addition to my state-funded training, I received a wealth of training and networking opportunities at the local level in my County, forging connections to numerous community groups, non-profits, faith-based and volunteer organizations, and other agencies. I loved my job helping seniors and persons with disabilities and their families navigate the complex long-term care system and helping them make informed decisions that are often difficult to make, such as placement versus in-home care. Through face-to-face visits and phone calls, I worked to develop rapport with the consumers and their families to comfortably discuss personal medical information, financial information, family dynamics, and safety concerns. The consumer and their families were able to meet and work with one or two care managers through the process of collecting financial information, medical documentation, and deciding on a placement facility or a home care agency for in-home services.

Unfortunately, in 2016, DHS decided to grant Maximus the aging and disability enrollment services, breaking it away from the rest of the process and causing confusion and delays in accessing services. Maximus became a bottleneck. Many consumers or family members call their local AAA for assistance, often not knowing what they wanted or needed and not aware of the specific program. They just knew they needed help.

Even now, local AAA staff try to help consumers and families navigate to the correct place or contact depending on their medical needs and financial services. When a person needs Medicaid for long-term care, whether nursing home placement or in-home services through the state's Waiver program, we had to start referring them to Maximus. We would wait for a referral to come from Maximus, but consumers would call back weeks later, having received no paperwork, follow-up call or anything at all from Maximus. Sometimes consumers would get a

missed call from an unidentified 800-number, but they hesitated to answer, not knowing who was calling or being wary of it being a scam.

When AAA staff realized the lack of attention and follow-up Maximus was showing to our county's elderly and disabled residents, we took it upon ourselves to complete the medical assessment and take the financial application, information, and forms to help consumers and their families compile and submit that information.

As an Assessor from 2016-2019, I did not have one client that saw a Maximus worker before seeing me. Some had mail from Maximus but didn't understand what to do with it. Many did not even have mail from Maximus. Some consumers who had mail from Maximus left it unopened in the envelope as they had visual deficits and needed help, which I then provided. I would send all the required documents to Maximus after meeting with the consumers in person. Upon my follow-up, I would learn that forms were "lost," "in their mailroom," or considered incomplete even when they were not.

Other workers and I started emailing these complicated forms directly to Maximus with read receipts. Even then, workers would be told the same thing--forms were lost in transit or not complete (though they were). Instead of waiting on Maximus, we would send the financial information to the County Assistance Office to start a review of finances.

For the last four years, AAA staff (not Maximus) would determine a consumer's medical eligibility and work with local County Assistance Offices to determine their financial eligibility. This process would be hampered by Maximus's delays, which wound up costing consumers months in delayed services.

Maximus' involvement in this process to date has been devastating. When I worked at the Beaver County AAA, I saw:

- Caregiver spouses at their breaking point as they could not wait any longer. They needed help but instead were forced to place their spouse in a facility, in one case causing a 50-plus year married couple to be separated.
- Caregiver children were left hanging as they promised Mom or Dad they would never place them into a facility. But after nine months and still no services with their FMLA running out and needing an income to support themselves and their families, they'd have to put Mom or Dad in a home.
- Persons with disabilities would apply for in-home assistance to remain as independent for as long as possible, only never to receive this help.
- Older adults in unsafe and dangerous home situations who should have immediately been referred to Older Adult Protective Services would still be waiting for an initial enrollment interview months later.
- Some people spent months waiting on Maximus for services when they had a diagnosis of an intellectual disability. They should never have been working with Maximus in the first place. There is an entirely different system for Intellectual Disability waivers. However, Maximus did not catch these errors and make the proper referrals for months.

SEIU Local 668 Testimony on DHS' Intent to Contract with Maximus to Provide Aging Assessment Services

- Several referrals Maximus sent me were people actually wanting to be a paid caregiver (not a consumer in need of services), and they thought the assessment was a job interview!

In addition to these lags in services and lack of reporting, I was sent to countless wrong addresses and given the wrong phone numbers. Why? Because Maximus operates as a call center out-of-state and refers people to go online to apply. Many consumers applying for these services do not have internet or a computer, do not understand how online applications work, and many more have visual and hearing deficits and require assistance to apply. Long-term care is very complex and in addition to nursing home placement and waiver programs there are other alternatives, but this was not being explained to consumers when they spoke with Maximus.

Countless home visits would end with the consumer withdrawing the assessment because they were not informed of Medicaid Estate Recovery. Many who were denied because of the financial requirements were never directed back to the AAA, where the Options program and Family Caregiver program could assist. Maximus never told consumers or their families about local or community organizations and programs that could have assisted them. Many consumers have given up, ended up placed in facilities, or fell through the cracks since 2016.

With the AAAs at least doing the medical assessment, locally-based staff still interacted with consumers and could assist the ones we knew of. But now, DHS wants to take that away from the AAAs as well and give it to Maximus. This will be absolutely detrimental to the safety and well-being of these vulnerable populations. DHS needs to do right by these individuals and not cause them any more harm.

The Governor and DHS need to stop negotiating with Maximus, a company with a nearly five-year track record of failure with our elderly and disabled residents. Thank you.

### Sources

Mosley v. Alexander. No. 11-2615. Eastern Pennsylvania District Court of the US. 18 April 2011. [https://www.dhs.pa.gov/Services/Disabilities-Aging/Documents/Alternatives\\_to\\_Nursing%20Homes/IEB/Mosley%20v%20Alexander%20Settlement%20Agreement.pdf](https://www.dhs.pa.gov/Services/Disabilities-Aging/Documents/Alternatives_to_Nursing%20Homes/IEB/Mosley%20v%20Alexander%20Settlement%20Agreement.pdf)

Office of Long Term Living. OLTL. (2021, June, 8) LTSS Subcommittee Meeting [Powerpoint Slides 6-8] [https://www.dhs.pa.gov/about/DHS-Information/Documents/InformationforAdvocatesandStakeholders/Long-Term\\_Services\\_and\\_Supports\\_Subcommittee/6.8.21%20LTSS%20OLTL%20Updates.pdf](https://www.dhs.pa.gov/about/DHS-Information/Documents/InformationforAdvocatesandStakeholders/Long-Term_Services_and_Supports_Subcommittee/6.8.21%20LTSS%20OLTL%20Updates.pdf)