

May 12, 2014

Erinn Kelley-Siel, Director of the Oregon Department of Human Services
Patricia Baxter, ODDS Interim Director and DHS Chief Operating Officer

Dear Erinn and Trisha,

The Oregon Support Services Association (OSSA) comprises 13 Support Services Brokerages providing services to over 7,000 Oregonians with intellectual and/or developmental disabilities. Our work involves facilitating the direct care services of close to 10,000 support providers, the majority of whom are represented by SEIU. In the 13 years we have been providing these services we have been proud to achieve national recognition for our progressive approach, and have been humbled by the unprecedented high levels of consumer satisfaction. We stand united with you and with Oregon in a commitment to continue facilitating choice and independence with the people we serve, and doing so in an environment that is practical, sustainable, and responsible.

We have supported the Department of Human Services' pursuit of a higher federal match for Medicaid dollars under the K Plan of the Affordable Care Act. However, from the outset, we believe DHS/ODDS has struggled to understand the scope of changes in our field necessary to meet the requirements of the K Plan, and to implement the eXPRS Plan of Care (POC) as the single payment system required by Oregon's Collective Bargaining Agreement (CBA).

Over the past 15 months of transition and change, Brokerage leaders have regularly offered implementation suggestions while voicing concerns where the Department's plans were at times vague, inconsistent, or problematic. We have done this out of a mutual desire with the Department to ensure positive outcomes for all involved. At times, those contributions have been characterized as obstructionist and self-serving. They were neither. Our advocacy is driven by a desire to prevent unnecessary disruption to the lives of the people we serve, to ensure that the service providers who support our customers are not harmed, and to assure Oregonians with disabilities and their families that we can deliver on the promises we are offering them.

If we were to withhold feedback and concerns from State decision-makers, we would not be operating as good-faith partners.

In this spirit, OSSA is writing to reiterate to you, our concerns about Oregon's current deadline of July 1st, 2014 to implement the web-based payment system (eXPRS) and consolidate fiscal intermediary services. This coincides with large areas of on-going policy confusion related to needs assessments, K Plan services and waivers. The implementation of a system untested in the field and policy decisions not fully defined has the potential to create significant disruption in the lives of people we serve and payment to those key caregivers who provide these essential supports.

From a Brokerage perspective, completing necessary tasks is not a matter of feasibility for us. We can certainly complete tasks necessary for implementation, provided the appropriate time, working tools, and accurate information are available. Brokerages have thrived over the last dozen years largely as a result of our ability to be nimble. But we cannot adapt when policy affecting the support plans of thousands of individuals changes week to week, when interpretation may vary depending on who is answering the question, and when the necessary tools are not ready.

The Association recognizes the enormous scope of change Oregon has undertaken, and understands a degree of confusion and reinterpretation in this context. However, from the community's perspective there has appeared to be a lack of big picture coordination and vision that such an undertaking demands. The consequences of these changes are very real to our customers and the PSWs who support them.

Brokerages remain committed to work with DHS to address the outstanding barriers to successful implementation of its new systems, but we must be involved as partners if we are all to achieve success. That starts with consistent and reliable communication. In an effort to promote efficiency and understanding, the Brokerages commit to centralize our communication with the State via Association Executive Director Kathryn Weit. We further commit to open, respectful communication. We will share information with our broader constituency, including service providers, CDDPs (Community Developmental Disabilities Programs), customers, families, and other advocates. We will continue to offer our knowledge and considerable technical expertise toward the common end of quality services to Oregonians with intellectual and developmental disabilities and timely payment to providers.

We request that the State commit to the same, including an agreement to respond in a timely manner to communications and requests for clarification, and to deliver policy

directives exclusively in formal memos and action requests shared widely. We further request a weekly conference call with Brokerages and ODDS leadership and pertinent State project leads starting the week of May 19 to address implementation questions and clarifications as we head toward July 1st. Regular, ongoing communications as issues arise will assure that we all succeed in this endeavor.

In the attached document, we have delineated the most significant issues we believe must be addressed and recommendations that we believe would help achieve a successful implementation. There is no question that we are all seeking the same outcome of stellar service to Oregonians with intellectual/developmental disabilities and full compliance with CMS directives and the CBA. We are committed to being strong partners with you to ensure our customers and the people who support them are well served. Let us work together to develop an informed plan that meets the needs and objectives of all stakeholders, and that moves our system forward.

Thank you for your consideration and your engagement.

The Oregon Support Services Association Board of Directors

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Issues and barriers to successful July 1 implementation to eXPRS payment system for people with intellectual / developmental disabilities and providers of supports and service.

eXPRS system:

We are concerned that there has been no field testing and none planned prior to a July 1, 2014 implementation. We fear that thousands of providers will not be paid and that our customers' health and safety will be compromised as a result. As of this writing there are still key functions of the system that are still "under construction."

Issues:

As of this date, the eXPRS system is not fully constructed.

The failure to develop data interface (import /export) capabilities in the system has resulted in the need to hand-key tens of thousands of individual line items in a very tight window of time, increasing the likelihood of data lag-time and error. There will also be additional hand-entry necessary on a regular, possibly daily, basis. Customer services and PSW payments are reliant on precise data entry. Recent access to components of eXPRS such as the provider panel has heightened concerns about missing functional components and outdated information in the system.

Recommendation: Conduct extensive testing appropriate to a software system of this scope. Go live only after the system is thoroughly field-tested and its vulnerabilities and blind spots have been identified and repaired.

Transition to TNT as the Fiscal Intermediary:

Previous transitions by Brokerages and CDDPs from one Fiscal Intermediary (FI) to another have taken an average of 4-6 months to finalize. FI packets are lengthy and experience has demonstrated that a great deal of one-on-one explanation to people with intellectual and/or developmental disabilities or their designees is necessary, particularly around issues such as Power of Attorney.

Issues:

As of this writing, Brokerages have yet to receive FI packets to begin working with customers and families. To the best of the Associations' knowledge, the State has yet to secure a contract with TNT to provide fiscal intermediary supports. With potentially thousands of people involved, the transition of FI services for Brokerages and CDDPs is not feasible in the current (still unknown) timeframe.

Recommendation: The CBA requires a centralized payment system, not a centralized FI function. Explore contracting with TNT Management Resources to do payroll and vendor payments but allow existing fiscal intermediaries to continue their role until a reasonable transition plan is developed. The transition of FI function could be phased in with a more feasible timeframe. Address fiscal policy issues related to changing responsibility for payroll and vendor payments and allow sufficient time to implement necessary field work.

Plans of Care:

Converting the Adult Needs Assessment (ANA) to a Plan of Care (POC) that honors Oregon's commitment to choice and self-determination requires time and conversation with the customer. The final POC must include not only the projected use of the allocated hours, but must also link to the individuals expected to provide the service and generate the provider claims data for payment. Currently, the claims portion of eXPRS is "still under construction." Lists of questions are growing as training is just beginning to hit the field with just 34 working days to implementation.

Issues:

As of this date, the provider claims portion of eXPRS is still "under construction". Fundamental operational questions remain to be answered: How will out of cycle payment checks be handled so that final payment to terminated employees comply with BOLI? How will the system respond to Plans that cross bienniums?

Ongoing policy changes require review and adjustment of customer plans and staff training. For months, we have brought forward issues that remain unresolved. The answers to these questions will likely require new planning, decisions, and possible identification of new providers. All of this adjustment interferes with our ability to populate eXPRS with accurate information prior to July 1.

Training for use of the yet to be fully functional eXPRS system did not occur until early May. Navigating the new system will be a learning process for Brokerages and PSWs. The use of the eXPRS system for individuals receiving support services is significantly more complex than other uses of the system up to this time. Provider information necessary to complete the POC currently available through eXPRS is inaccurate or incomplete.

Recommendation: Once the eXPRS POC function is live, roll-out implementation on a monthly basis as plans renew.

Personal Support Workers and Provider Organizations:

Thousands of individuals must receive their unique provider numbers and data must be entered into eXPRS to make centralized payment work. With the provider payment system still under construction, inaccurate and missing data, and the list of issues yet to be clarified, current timelines for task completion are unrealistic. We are concerned that without the appropriate testing and safeguards PSWs and other providers will not receive accurate and timely payment for their work.

Issues:

There is currently an enormous backlog at the State level for assigning provider numbers after receipt of Provider Enrollment Applications and Agreements. Only 62% of the current PSWs have numbers. PSWs have typically waited between one and four months after submission of paperwork to the state to receive their authorizations. The PSW qualification panels that were made available to the field on April 25 are incomplete and out-dated. Brokerages are having to track providers and assist them through the process of enrollment. While PSWs have been made aware of required documents and previous deadlines, those deadlines have passed (July 2013, October 2013, January 2014) without any communication. There has been little direct communication from the State to reinforce Brokerage warnings to providers; many simply no longer believe us.

PSWs have not received actual training on the use of eXPRS. The first training offered via conference call and webinar provided a theoretical introduction, but did not have screenshots to walk people through the system. Feedback in the field has been dominated by anger and frustration from anxious PSWs.

There has been no decision, and conflicting public messages, on what is to be done for PSWs who lack access to a computer.

New provider reimbursement rates for key employment and day services for brokerage customers were announced on May 1, 2014. These rates are based on 2007 data from a part of the system that did not include Brokerage customers. There has been no analysis of potential impact and already providers are indicating their need to terminate services.

Provider organizations are not listed in the provider panels.

Recommendation: Retain a back-up system of payment to compensate workers who do not have a provider number during an identified transition period. This back-up service may be housed within DHS, or with local Brokerages and CDDPs.

Conduct current field analysis of employment and day service rates. Develop a strategic plan to address impact of any rate reductions prior to implementation.

We recommend an action plan for implementation that has agreement from field stakeholders who are prepared to, planning for, and charged with doing the work.