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INCOME MAINTENANCE ADVISORY COMMITTEE (IMAC)

Thursday, January 19, 2017

1:00 – 3:30 p.m.

Dane County Job Center, 1801 Aberg Avenue - Ballroom, Madison, WI 53704

Or online at <https://connect.wisconsin.gov/imac/>

For audio, dial 877-820-7831, access code 361278

MINUTES

Non-State Attendees:

Jenny Hoffman, Bay Lake / Brown Co.	Carol Wautlet, Bay Lake / Door Co.
Shawn Tessmann, Capital / Dane Co.	Melissa Duane, Capital / Columbia Co.
Kara Ponti, Capital / Dane Co.	Tony Sis, Capital / Dane Co.
Roxana Vega, Capital / Dane Co.	Cindi Flynn, Capital / Adams Co.
Amy Beranek, Capital / Dodge Co.	Stephanie Ronnfeldt, Capital / Richland Co.
Julie Arendsee, Capital / Sauk Co.	John Rathman, East Central / Outagamie Co.
Mitch Birkey, East Central / Calumet Co.	Annett Mooney, East Central / Marquette Co.
Ann Kriegel, East Central / Winnebago Co.	Linda Struck, Great Rivers / Eau Claire Co.
Ronda Brown, Great Rivers / St. Croix Co.	Jane Huebsch, IM Central / Marathon Co.
Mandy Mayek, IM Central / Portage Co.	Melody Larson, Moraine Lakes / Walworth Co.
Brenda Zweck, Moraine Lakes / Walworth Co.	Sandy Potter, Moraine Lakes / Washington Co.
Debra Berg, Moraine Lakes / Waukesha Co.	Doreen Lang, Northern / Wood Co.
Mark Nelson, Southern / Green Co.	Katie Chambers, Southern / Iowa Co.
April Heim, Southern / Rock Co.	Jill Johnson, Southern / Jefferson Co.
Lorie Graff, Western / LaCrosse Co.	Debbie Schwandt, WKRP / Kenosha Co.
Nina Taylor, WKRP / Kenosha Co.	Claribel Camacho, WKRP / Racine Co.

State Attendees:

Abby Abernathy, DHS	Linda Alexander, DHS
LaTanya Baldwin, DHS	Emily Carlson, DHS
Eraina Cooper, DHS	Becky David, DHS
Elizabeth Dehling, DHS	Ken Duren, DOA
Matt Fanale, DHS	Rachel Geilenfeld, DHS
Judy Johnson, DHS	Linda Konsella, DHS
Rebecca McAtee, DHS	Mike McKenzie, DHS
Dennis Schuh, DHS	Angela Stanford, DHS
Debbie Waite, DHS	Krista Willing, DHS
Pang Xiong, DHS	

1. Administrative Issues – Debbie Waite & Shawn Tessmann
 - Report attendance on-site by signing the sign-in sheet and if attending remotely, by emailing Linda Alexander of your attendance.
 - Disaster Supplemental Nutrition Assistance Program (D-SNAP) – Rachel Geilenfeld
 - FoodShare (FS) policy section goal – improve administration of D-SNAP by working more closely with consortia. Educate on differences in administering regular FS and D-SNAP benefits.
 - Examples – Flooding in 2010 in Milwaukee and in 2016 in the Northern Consortium are reminders of need to be prepared.
 - DHS is hosting a three part series of 90-minute listening sessions (via teleconference or AdobeConnect) to be held on the following Tuesdays:
 - February 21 – D-SNAP Policy and State Plan
 - March 9 – Agency Operations / Card Issuance
 - March 21 – CARES Worker Web (CWW) Enhancements and D-SNAP Processing

Invitations are being sent to Operational Leads who will be asked to forward to the appropriate consortia staff.

 - CARES April release will address, preceded by a March Operations Memo.
- John Rathman recognized and thanked Jane Huebsch for her contributions to Income Maintenance (IM), Economic Support in Marathon County and the IM Central Consortium; today is Jane’s last IMAC meeting as she retires after many years of service.

2. Approval of December 15, 2016 Meeting Minutes – Debbie Waite
 - Motion to approve the minutes was made, seconded and passed by voice vote.

3. Fair Hearing Support for Consortia - Dennis Schuh, Office of Legal Counsel (Handouts)
 - See “IMAC Conference Fair Hearing Support” and “Preparing to Testify” for more details.
 - The Department of Administration’s (DOA) Division of Hearings and Appeals (DHA) is responsible for fair hearings. Process is designed to provide transparency; Administrative Law Judges (ALJ’s) are to act impartially, not as advocates for any party.
 - Fair hearings differ from proceedings conducted by judicial branch: scope of practice is limited by statute. Fewer objections are honored due to these limitations. Culture - err on the side of allowing litigant to present grievances fully.
 - Case presentation – it is challenging to provide all the pertinent information (listed on slide #17) in 15 minutes.
 - Common problems seen by ALJ’s – Example of lack of documentary evidence: must authenticate an email from another state that claims a litigant received benefits in that other state for specific months. Business records (e.g., case comments in CARES) are one example of authentication.

- Preparing a case – consortia asked how to determine what to present/give to the ALJ. Start by answering the question: What am I trying to prove? An example in trying to show that a FS recipient is a resident of another state – send termination notice to the last known WI address. Is this sufficient? For members in prison/jail, suggest sending a notice to both a litigant’s home address and to a jail at the same time to avoid a re-trial (for improper or insufficient notice).
- Best practices – discussion on what constitutes hearsay. The electronic case file and CARES case comments should not be considered hearsay since they are business records assumed to be accurate in the regular conduct of business. However, ALJ’s vary in how they treat these. Medical records are routinely exempted from hearsay but there is a specific exemption in statute. Goal would be to get ECF records routinely recognized as well without creator having to be present.
- Rules of evidence – ALJ’s and consortia find it challenging that hearsay is admissible in fair hearings (whereas in civil courts, it is not admissible).
- Discussion / questions / issues raised by consortia:
 - Appeals concern: ALJ who decided the case initially is the same ALJ who then rejects an appeal. Some consortia have given up on appealing for this reason. Response: consortia should continue to file appeals as they are reviewed at higher level and trends will be noted.
 - The worker who entered case comments usually cannot attend the fair hearing; consortia model does not use a dedicated case worker; any number of workers could enter comments, update the case records. This can trigger a hearsay issue with some ALJ’s.
 - Confusion about which courts can /cannot use uncorroborated statements. Civil (circuit) courts can use uncorroborated statements to make a decision / use as evidence but ALJ’s (fair hearing) can NOT.
 - Some ALJ’s seem to give litigants/complainants a generous benefit of the doubt, which can lead to the ALJ’s making comments or posing questions regarding the agency’s actions, proof and competency. If the consortia consider an ALJ’s comments unprofessional or demeaning, include this concern when requesting a new hearing. Unknown if Division of Hearing and Appeals management is reviewing each fair hearing case and decision and are aware of this concern.
 - Ken Duren, DOA / DHA, joined the discussion via Adobe Connect and clarified that, in his oversight role, he does not review every case, but does review FS cases involving benefits of \$5,000 or more.
 - Also shared a success rate of 27% of appeals in obtaining a re-hearing.
 - Ken also advised that, 20 years ago, a court decision determined that appeals had to be heard in the original court where the decision was made. (See above)
 - Discussion regarding an incident of a third party bringing in recording equipment to video a hearing with intent to post on You-Tube. Response was that the ALJ controls the hearing and can agree to the agency’s request to stop the recording and to reinforce that the ALJ’s record is the official one. Was further shared, that despite the attempt to influence the hearing proceedings, that recording might be allowed by some ALJ’s.

4. Wisconsin Funeral & Cemetery Aids Program (WFCAP) Overview and Statistics – Rebecca McAtee and Krista Willing (Handout)
 - See “Wisconsin Funeral and Cemetery Aids Program (WFCAP)” for more detail.
 - Rebecca provided background on the evolution of WFCAP and the transition of its management and administration from the Bureau of Enrollment Policy and Systems (BEPS) to the Bureau of Fiscal Management (BFS) in fall of 2016.
 - Krista Willing, Bureau Director of BFS, explained the other BFM responsibilities, which are complementary to WFCAP: payments to Health Maintenance Organizations (HMOs), reimbursements to hospitals, and, more particularly, estate recovery.
 - Krista also shared recent efforts to partner more closely with medical examiners, funeral homes and funeral directors on WFCAP policy. Providers have had issues with some of the 2013 program changes.
 - Discussion and questions:
 - Is the deceased member eligible for WFCAP? Can only determine eligibility based on their enrollment in a Medicaid program. The provider is the party that pursues eligibility for a WFCAP benefit.
 - Ronda Brown (Great Rivers Consortium / St. Croix County) recently asked for enrollment data – statewide and for St. Croix County. Information was going to be used to determine to what extent providers were denying services to eligible members. Consortia made similar request for statewide data, broken down to county level.
Action Item: **Krista** will follow up on providing these reports.
 - A second data request to get chart of counties currently offering a funeral/burial benefit was made. Debbie Waite said that Enrollment Management Central Application Processing Operation (EM CAPO) / Pang Xiong’s section had produced a similar report a few years ago that could be shared with Krista to model an update.

5. Quality Control Update
 - a) Annual FoodShare Update - Linda Konsella (Handout)
 - See “Wisconsin FoodShare Quality Control (FSQC)” for more detail on structure of FSQC review program, staff numbers and locations, and federal review expectations.
 - Referenced an enhancement in CARES to show comments that a FS QC interview has been requested so that agencies can confirm legitimacy of a FS QC interview request if/when a member inquires.
 - Rate of completion of FS QC interviews has been dropping and needs to go up. dropped (now approximately 85% are able to be completed – goal is to get nearer mid 90’s). Clients tend to be more cooperative in completing the interview/attempt to contact when they have been sanctioned / their benefits have been or will be stopped. Although demographically similar, Minnesota has a 98% completion rate, so that may be a good model to look at.
 - Federal oversight is high – FNS made 8 review visits to Wisconsin in 2016.

- Annual Bonus Funding from FNS:
 - See handout for categories of potential bonus funding. 2016 was a bit of an aberration as FNS changed up award approach. Also FNS is pulling random set of cases nationwide and conducting their own reviews to determine a national error rate. Nine cases have been pulled for Wisconsin.
 - Wisconsin's Case and Procedural Error Rates (CAPER) Federal Fiscal Year (FFY) 2015 (October, 2014 – September, 2015) remained fairly stable at 27.02% but some states are making great strides in decreasing their CAPERS error rates. CAPERS will be a focus area for FNS going forward and Wisconsin is pursuing a number of strategies to improve. One is a system change to notices that should help reduce Wisconsin's error rate.
 - Current federal error rate target for CAPERS is 1%. FNS has changed measure to comparison test states against a median national average with goal to be below.
- Data for FFY 2016 (with 11 months submitted) showed Wisconsin's active error rate at 4.81% (goal is below 6%).
- FSQC appreciates the consortia's commitment and diligence in the administration of the FoodShare program.

b) Midwest Partners for Program Improvement (MPPI) 2017 Conference Update – Linda Konsella

- Conference is July 25-27, 2017.
- Location is Green Bay which was able to accommodate the housing needs of the conference within federal guidelines.
- Site is the Tundra Hotel; 150-room block and meeting / conference room facilities for the needs for workshops and other sessions.
- Registration packets are targeted to be sent to invitees by 4/15/17.
- Registration fee is tentatively set at \$150.00. Wisconsin will not be reimbursed for the fee because the state is hosting.
- Workshop topics/subject assigned to the Wisconsin team: Application & Recertification Timeliness.

c) Second Party Review/FoodShare Quality Control (QC) Findings Quarterly Update - LaTanya Baldwin (Handout)

- This topic was deferred to the February 19, 2017 IMAC Meeting.
- See "Second Party Review 2016 Review Results" for more detail.

6. CARES Call Center Update – Becky David

- Reported on project status to mail 1.28 million 1095B forms to members that had credible coverage under MA health care programs. Staggered mailing began 1/9/17.
- CARES Worker Web (CWW) moves will happen over the upcoming weekend.

Action Item: **Becky** will send the consortia the summary of the moves taking place the weekend of 1/21-1/22/17.

- Navigator move that was first scheduled for November, 2016 will take place on 2/11/17 contingent on successful testing. (Note: change subsequent to meeting, Navigator move was implemented 2/18/17)
- Guidelines on self-employment income determinations were released; Training, forms and Process Help to be released the week of 2/13/17. Consortia asked if all forms had been updated. CARES Call Center will clarify – but existing S Corp, Corp and Partnership forms should still be used.

7. Regional Enrollment Network (REN) Update – John Rathman

- Activity has been “very busy.” REN’s reporting an increase in enrollment of about 10%.

8. Income Maintenance (IM) Funding & Contract Updates - Debbie Waite/John Rathman

- Debbie noted that all 2017 base and Affordable Care Act (ACA) contracts had been received by DHS with exception of IM Central, Southern, Western and WKRP.
- Checks for 2015 enhanced funding amounts are targeted to be issued by end of January, 2017.
- De-ob re-ob documents have recently been sent out to six consortia to support carryover of unused 2015 ACA funding into 2016.

9. Consortia Feedback – Shawn Tessmann

- Office of Inspector General (OIG) Fraud Plans – consortia request a summary of the data that consortia sends to OIG, especially the Full-Time Equivalency (FTE) staffing counts related to fraud activity. Operational Leads have requested participation in providing this plan information in place of fraud subcommittee participants. Consortia will follow-up directly with OIG staff.
- Itemization of the unspent 2015 ACA funding amounts is circulating to consortia. Approximately \$1.5 million carry-over from unspent funds in seven consortia. Need consortia’s signatures to be able to upload to CARS but will load individually as signed documents are returned.
- Consortia feedback on CARES Release methodology and communications – Liked January presentation – can they get a written summary document? Consortia find the information grouped by release to be helpful.
- Subcommittee distribution lists – Operational Leads would like to be copied on responses to their consortia staff requesting addition to subcommittees’ distribution lists. Asked that DHS acknowledge the requests and refer requesters to their agencies. In addition, please copy Operational Leads on all subcommittee communications, agendas, meeting information.
- Update on Medicaid changes – Recent changes, state budget proposal and federal developments. Consortia would like an update / summary at February meeting – referenced overview presented recently in other forums. Response: DMS

Administrator Michael Heifetz recently gave a presentation on the childless adult waiver from the last budget, but this was not new information.

- Action Item: Post state budget release, communication forum will be identified for sharing this information.

10. Administrative Memos – Debbie Waite

- Admin memos documenting 2017 base, and ACA funding are circulating internally for review at DHS and should be available for consortia review shortly. These further document the 2017 base and ACA contracts which have already been circulated for signature.

11. Subcommittee & Work Group Updates - Debbie Waite (Handout)

- Review handout for details

12. Miscellaneous Updates / Other / Public Comment

- See “Gap Fill Eligible Cases” for current information.

13. February 16, 2017 Meeting - Tentative and Future Meeting Agenda Topics

- a) Authorized Representative, Power of Attorney (POA) and Related Tools Overview
Becky David/Team (likely March)
- a) April 2017 CARES Release Overview
- b) State and Federal Policy Updates
- c) Training Subcommittee Update
- d) Electronic Residency Verification Results
- e) GAP Experience Update
- f) Civil Rights Plan Preparation