

Melanie Menough

From: Turner, Iris (DFA2-A26) [Iris.Turner@dfa.state.ny.us]
Sent: Thursday, April 15, 2010 2:57 PM
To: Melanie Menough
Subject: RE: Scanned document from a Xerox 7345

Hi Melanie,

Sorry I haven't returned you email; I too have had some family matters in which I have been attending too. My husband was seriously injured 2/26/10, and hospitalized; he is doing better, but I am not always available lately; this week as been a bear, and next week is looking the same when I am in. Hopefully there will be time to work out these concerns. Thanks for your patience.

-----Original Message-----

From: Melanie Menough [mailto:MMenough@cdrnys.org]
Sent: Tuesday, April 13, 2010 5:10 PM
To: Turner, Iris (DFA2-A26)
Subject: RE: Scanned document from a Xerox 7345

Hi Iris, I am sorry for my delayed response, but I had a very sick baby yesterday,, had to call off work and take him to the doctor. I would be happy to meet with you, can you send me some dates and times you are available and I can come to you.

Melanie Menough
Director of Programs
Center for Disability Rights, Inc.
497 State Street
Rochester, New York 14608
(585) 546-7510 (Voice)
(585) 546-7512 (TTY)
(585) 546-7579 (Fax)

www.cdrnys.org

"Helping People Help Themselves"

IMPORTANT NOTICE: This message and any attachments are solely for the intended recipient and may contain confidential information which is, or may be, legally privileged or otherwise protected by law from further disclosure. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this e-mail and any attachments is prohibited. If you have received this communication in error, please notify the sender by reply e-mail and immediately and permanently delete this e-mail and any attachments.

-----Original Message-----

From: Turner, Iris (DFA2-A26) [mailto:Iris.Turner@dfa.state.ny.us]
Sent: Friday, April 09, 2010 5:31 PM
To: Melanie Menough
Cc: Bloomer, Barbara (DFA2-A26); Natale, Marc (DFA2-A26)
Subject: RE: Scanned document from a Xerox 7345

Melanie,

After reading your letter of various concerns, I feel it is appropriate to convene a meeting with the LDSS administrator, Barb Bloomer, LDSS CDPAP staff, myself, and your CDPAP staff to have an honest discussion of your concerns. Please let me know if you are in agreement with this format. Thanks for your cooperation.

-----Original Message-----

From: Melanie Menough [mailto:MMenough@cdrnys.org]
Sent: Friday, April 09, 2010 4:34 PM
To: Turner, Iris (DFA2-A26)
Subject: FW: Scanned document from a Xerox 7345

Attached, please find a letter in PDF format for you.. thank you.

Melanie Menough
Director of Programs
Center for Disability Rights, Inc.
497 State Street
Rochester, New York 14608
(585) 546-7510 (Voice)
(585) 546-7512 (TTY)
(585) 546-7579 (Fax)

www.cdrnys.org

"Helping People Help Themselves"

IMPORTANT NOTICE: This message and any attachments are solely for the intended recipient and may contain confidential information which is, or may be, legally privileged or otherwise protected by law from further disclosure. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this e-mail and any attachments is prohibited. If you have received this communication in error, please notify the sender by reply e-mail and immediately and permanently delete this e-mail and any attachments.

-----Original Message-----

From: WorkCentre 7345 [mailto:it@rochestercdr.org]
Sent: Friday, April 09, 2010 4:15 PM
To: Melanie Menough
Subject: Scanned document from a Xerox 7345

Please open the attached document.

Number of Images: 2
Attachment File Type: PDF

Device Name: WorkCentre 7345

Please DO NOT REPLY to this emailit was generated by a Xerox 7345 copier.

Center for Disability Rights, Inc.

April 9, 2010

Iris Turner
Department of Human Services – Home Care Services Unit
111 Westfall Road
Rochester, NY 14620

Re: Consumer Directed Personal Assistance Program

Dear Ms. Turner:

It has come to the attention of the Center for Disability Rights that on numerous occasions in the past several months, you and the nurses working under your direction within Monroe County's Home Care Services Unit have steered Consumer Directed Personal Assistance Program (CDPAP) eligible consumers away from CDR, an eligible vendor. In at least one case, the consumer has been told that they cannot receive CDPAP if they choose CDR as a vendor. It appears that for each of the individuals steered away, or prohibited, from receiving services through CDR, your reasoning for this steering is that the consumer needed "nursing oversight."

It is our understanding that you have steered the consumers to All Metro and Maxim as possible vendor alternatives. It is also our understanding that you chose these vendors for the consumer because these vendors employ Registered Nurses (RN) in the administration of the CDPAP and Licensed Home Care Service Agency (LHCSA) services provided by these vendors. It is unclear to us how these agencies provide nursing oversight within either of these models of service delivery, so we are seeking clarification from you so that we may broaden the array of services CDR provides.

As you are well aware, CDPAP is a non-medical service delivery model and New York State does not require any level of nursing staff to be involved in the delivery of services. In order to be eligible for CDPAP, an individual must be "medically stable," as determined by you and your team. By New York State Medicaid law, a person is either eligible for services, or they are not. A person's eligibility is never dependent upon their vendor of choice.

In addition to being medically stable, there are several basic components of eligibility for CDPAP. None of these components directly involves nursing oversight. For consumers getting their personal care needs satisfied by CDPAP, if additional nursing is needed, such needs can readily be met by a Certified Home Health Agency (CHHA) or Private Duty Nursing. I am sure you are aware that CDR and other providers frequently arrange for CHHA services to supplement CDPAP for periods of time when needed by a consumer. These services are designed by New York State to meet this kind of nursing need and appear to CDR to be the appropriate means of providing nursing oversight in accordance with NYS Medicaid regulations.

While LHCSAs are required to have RNs overseeing the care delivered to individuals receiving LHCSA services, the RNs do not actually provide nursing oversight to the consumer in Medicaid or Medicare reimbursed cases. LHCSA RNs train and supervise the Personal Care Aides and Home Health Aides employed by the LHCSA.

I hope you can understand our confusion as to how a CDPAP vendor, whether or not it is affiliated with a LHCSA, can provide nursing oversight to consumers. We hope you can enlighten us as to how you expect a CDPAP vendor to provide nursing oversight to its consumers.

Because CDR has never been informed by Monroe County, as it appears our competitors have, that nursing oversight is an appropriate, and even required, component of CDPAP, we would appreciate your clarification as to which regulations govern this and what the Home Care Unit's expectation are for implementation of such nursing oversight. We are concerned that without clear guidance, efforts to provide nursing oversight as part of CDPAP may be in violation of the Nurse Practices Act and arbitrary and capricious in their application to consumers.

As you are aware, CDR has an affiliated LHCSA, called All About You Home Care (AAY). AAY is located within the same building as CDR's CDPAP services. CDR is willing to investigate the possibility of contracting AAY, or possibly hiring separate per diem RNs to provide nursing oversight in accordance with the guidance you provide.

We would appreciate your prompt response in this matter, as several CDR CDPAP consumers who have been happy with their services through CDR, have already been steered to other vendors because of this "nursing oversight" requirement.

Sincerely,



Melanie Menough
Director of Programs

April Oakes

From: April Oakes
Sent: Monday, April 05, 2010 12:11 PM
To: Turner, Iris (DFA2-A26)
Subject: rate code clarification

Hi Iris,

I am hopeful you can answer a couple of questions and clarify some changes for me.

Carol recently changed [redacted] and [redacted] to the shared aide code (2402). You may recall the email correspondence back and forth regarding the change... we had many questions and Carol was very helpful with assisting us to sort it all out. We were told that the new code would go into effect on 4/6/10 but the prior approval for 12/9/09 is also the (2402) code. Could you please look into this?

After further review we have identified several other consumers with the same rate code (2402). The SDO's for these consumers state they were not notified at the recertification or any time after that a staffing change was supposed to take place... [redacted] states that she was told the billing code was changing, but she had no idea what that meant and was not given any other information. My staff also state that they were not notified by the nurse of the change. It is not possible for SDO's to adjust scheduling and potentially lay off attendants if they are not made aware of the change in their services or are not aware of what the changes mean.

I realize using this code is new to all of us...perhaps the nurses realized after the recertification that the (2402) code was more appropriate and forgot to notify us so we could assist consumers/SDO's with the change.

Can you have your staff adjust the prior approvals for the following individuals back to the regular rate pending notification of changes in service to the consumer/SDO and CDR staff so that there is ample time to adjust schedules and make appropriate staffing changes? The change in the billing code results in significant changes in how the services are delivered. If the nurses could send my staff an email when there is a significant change in service that would also be very helpful. We will be having the SDO's call the nurses to discuss the changes so the nurses can explain why the change is taking place and what it means.

Feel free to give me a call if you need clarification on anything or want to have further discussion. I am definitely open to getting together to talk about this. Perhaps we could revisit scheduling face-to-face meetings on a regular basis again?

Thanks for your help!

April M. Oakes
Assistant Director, CDPAS
Center for Disability Rights, Inc.
497 State Street
Rochester, NY 14608
(585)-546-7510 (Voice)
(585)-546-7512 (TTY)
(585)-546-7566 (Fax)
www.cdmnys.org

"Helping People Help Themselves"

IMPORTANT NOTICE: This message and any attachments are solely for the intended recipient and may contain confidential information which is, or may be, legally privileged or otherwise protected by law from further disclosure. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this e-mail and any attachments is prohibited. If you have received this communication in error, please notify the sender by reply e-mail and immediately and permanently delete this e-mail and any attachments.

April Oakes

From: April Oakes
Sent: Thursday, December 17, 2009 1:33 PM
To: 'DeRycke, Carol (DFA2-A26)'; Turner, Iris (DFA2-A26)
Subject: RE: Prior Approvals

I am not receiving prior approvals regularly in the mail...the information may be opened by our receptionist and given to finance without me seeing it though. However, when I do receive them they are immediately given to our finance department for entry. I will follow up with our finance department to see what their process is for entering this information and why I am not getting this information weekly.

I was not aware the team was not making it to recerts they had prior notification of. My staff have reported that they haven't been invited to several recerts and only find out after the fact that the recert was done. They cannot make Monday recerts due to timesheet processing which is now more involved due to the HHVS. Please include me in on the emails sent with the recertification dates so I can follow up with staff appropriately.

I usually ask staff to follow up with prior approval numbers after a month or so after the recertification date if we have not received the information. I will be sure they check with our finance department before bothering you guys. Hopefully this will help! We can also review this info at our monthly meetings when we resume them.

Happy Holidays!

April M. Oakes
 Assistant Director, CDPAS

From: DeRycke, Carol (DFA2-A26) [mailto:Carol.DeRycke@dfa.state.ny.us]
Sent: Thursday, December 17, 2009 1:17 PM
To: April Oakes; Turner, Iris (DFA2-A26)
Subject: RE: Prior Approvals

I am forwarding this on as an example only, because I'm concerned about the paper trail for these PA's that are mailed out each Friday to CDR. April, are you not receiving the paperwork via US mail? These requests are becoming very frequent (two to three times per week), and it is a waste of time & resources to go back to these things unnecessarily.

I will say that some of this confusion could be avoided by the team making it to recert visits. That only happens roughly 50% of the time now, and that estimate could be generous. Just an observation.

Please let us know what is happening there, thank you.

From: Johnson, Elaine (DFA2-A26)
Sent: Thursday, December 17, 2009 10:27 AM
To: 'Gloria Calderon'
Cc: Robinson, Takisha (DFA2-A26); DeRycke, Carol (DFA2-A26)

April Oakes

From: April Oakes
Sent: Tuesday, June 02, 2009 1:17 PM
To: 'Turner, Iris (DFA2-A26)'
Cc: DeRycke, Carol (DFA2-A26); Keller, Elizabeth (DFA2-A26); Robinson, Takisha (DFA2-A26)
Subject: RE: reschedule CDPAS meeting

Thanks for getting back to me. Let me know when you are available to meet!

April M. Oakes
 Assistant Director, CDPAS

From: Turner, Iris (DFA2-A26) [mailto:Iris.Turner@dfa.state.ny.us]
Sent: Tuesday, June 02, 2009 1:07 PM
To: April Oakes
Cc: DeRycke, Carol (DFA2-A26); Keller, Elizabeth (DFA2-A26); Robinson, Takisha (DFA2-A26)
Subject: RE: reschedule CDPAS meeting

Hi April,
 At this time we are unable to reschedule the next meeting; the ladies are extremely busy with new cases, training and vacation coverage; as soon as their is light at the end of the tunnel, we will be glad to reschedule; if their are any pressing matters which need to be addressed, please feel free to email us, and we will do our best to get back to you'll as soon as possible. As you know there has been many difficult cases in the last month or so that has been very time consuming in addressing the issues (for example which required about two full weeks of our time to keep him safe, and he has filed for a fair hearing in additon) etc. Hope things are going well for you'll. we will be in touch.

From: April Oakes [mailto:aoakes@cdrnys.org]
Sent: Tuesday, June 02, 2009 10:02 AM
To: Turner, Iris (DFA2-A26); Melanie Menough
Cc: DeRycke, Carol (DFA2-A26); Keller, Elizabeth (DFA2-A26); Wendy McLaughlin; Robinson, Takisha (DFA2-A26)
Subject: reschedule CDPAS meeting

Hi Iris,

I was hoping we could reschedule our CDPAS meeting that was canceled May 21st Wendy McLaughlin would also like to attend so she can give you the NHTD plans for your review. Would you be up for a lunch meeting Thursday June 18th at 1pm? We would be happy to provide food and beverages.

Hope to see hear from you soon!

April M. Oakes
 Assistant Director, CDPAS
 Center for Disability Rights, Inc.
 497 State Street
 Rochester, NY 14608
 (585)-546-7510 (Voice)

(585)-546-7512 (TTY)
(585)-546-7566 (Fax)
www.cdmnys.org

"Helping People Help Themselves"

IMPORTANT NOTICE: This message and any attachments are solely for the intended recipient and may contain confidential information which is, or may be, legally privileged or otherwise protected by law from further disclosure. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this e-mail and any attachments is prohibited. If you have received this communication in error, please notify the sender by reply e-mail and immediately and permanently delete this e-mail and any attachments.