Personal Care Attendant Quality

Home Care Workforce Council

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# Personal Care Attendant Quality Home Care Workforce Council

Council Meeting

General Session

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|  | December 13, 2022 | 2:00-3:30 PM | Zoom Meeting |

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| coUNCIL  members in attendance | Chris Hoeh, Joe Tringali, Cindy Purcell, Karen Shack, Kristen McCosh, Justin Graceffa, Tim Kunzier |
| Council members not in attendance | Tamara Huntley |
| Staff attending | Beth Farnham |
| chair | Lauren Peters |
| Note taker | Beth Farnham |
| agenda setting | No issues were added to previously issued agenda |

Lauren Peters called the meeting to order at 2:00 PM.

Statement from Lauren Peters:

* Lauren announced to Council members that today’s meeting was her last as Chair of the Council. She extended a big thank you to the group and said that when she assumed the role, she had a steep learning curve, but the Council was very patient. She said she’s proud of all the work the group has taken on over the past few years, and recognized challenges such as the COVID-19 pandemic. Lauren said the PCA program was a nation-leading program and that she knows other states to look to the Commonwealth as a model. She said she hoped the Council was equally proud for what has been accomplished during a challenging time and said she is confident in Jocelyn Gordon’s leadership as Executive Director, and the rest of the EHS and MassHealth teams. She added that she will be rooting and cheering for the Council from across the city.
* Cindy Purcell thanked Lauren for all she has done and congratulated her.
* Chris Hoeh said that he appreciated the way Lauren has partnered with everyone and said he thinks the group has come through the challenges the best they could expect.
* Lauren announced that Secretary Sudders has designated Amy Bianco, Director of Health Policy and Strategic Initiatives, as Chair in the interim to ensure continuity. Lauren said that she hoped Amy was a familiar face to the Council and has been integrated into this work.

1. **Council Organizational Matters:**

Review and Approval of the Minutes of October 4, 2022:

* Joe Tringali made a motion to approve the minutes. Chris seconded the motion. All in favor.

Review and Approval of the Minutes of December 5, 2022:

* Cindy made the motion to approve the minutes. Chris seconded the motion. All in favor. Karen Shack abstained.

Review and Approval of 2023 Council Meeting Schedule:

* Chris made the motion to approve the schedule. Cindy seconded the motion. All in favor.

Review and Approval of PCA Workforce Council 2021-2022 Legislative Report:

* Lauren reminded the Council that they are required to submit the report every two years to document and highlight all of the work the Council has been advancing and undertaking in the PCA program. She asked if there were questions or feedback about the report.
* Joe said that he has not had time to read the entire report and does not feel comfortable voting at this time and will abstain.
* Karen agreed that she has also not had a chance to review and asked whether the information regarding the Joint Racial Justice and Equity Subcommittee was accurate and sufficient.
  + Lauren responded that the subcommittee was set up in 2020 and codified in the most recent CBA with a scope and mission in working form. She added that she thought the report captures at a high level the overarching scope in the CBA going forward, and that currently the subcommittee is starting from an exploratory place and then coming up with recommendations on how to address the disparities and gaps within the purview of the Council.
  + Karen asked whether it was OK to submit a report that doesn’t have that layer of detail. Lauren confirmed yes.
* Chris asked whether the report could be approved in January or if there was a statutory requirement to submit before the end of the year. Lauren said without the statute in front of her she didn’t know if there is a set date.
  + Julian Smith from the EHS team responded and said there is no date.
* Karen asked if the Council could have a chance to review and discuss, and then ask questions at the next meeting. Lauren said that was fine and that it wasn’t the first legislative report that was a month or so late. Karen said that it was not late for the Council since they just received it.
* Karen asked if the report would be used to help with the transition. Lauren responded that it is a public document submitted to the Governor and legislature.
* Chris said he appreciated Jocelyn’s work on the report given that she has just started and asked whether a motion needed to be made.
  + Karen asked what the Council would be voting to approve today, and whether a “yes” vote would be confirming that the report is accurately describing the work of the Council.
  + Lauren responded that the vote would show the Council’s endorsement of a work product submitted to the legislature. She suggested to make the motion that the report can be submitted to the legislature following the Council’s review by end of the calendar year. She asked Julian if that was OK and suggested a deadline of December 20.
    - Julian said that he has heard of that happening but didn’t think it was prohibited as long as there was a clear timeline.
* Lauren confirmed that Jocelyn would send the Council a Microsoft Word version of the report and a final version would be submitted inclusive of any non-material edits. Any material edits would be brought back to the Council to review prior to submitting.
* Chris made a motion to approve the submission of the legislative report inclusive of any non-material edits from Council members. Joe seconded the motion. All in favor.

1. **Executive Director’s Report:**

Overview of Fall 2022 Subcommittee Meetings:

* Joint Racial Justice and Equity Subcommittee:
  + The subcommittee has used their time to learn about one another’s life experiences around racial justice and discussed the reasons why racial justice is important. The group reviewed the goals and scope of work document, and acknowledged that as they do this work, they remain focused on the action items that fall within the purview of the Council. The next subcommittee meeting is this Thursday, December 15.
* Advanced Aide Subcommittee:
  + The subcommittee is working on conducting research in prep for the April 1 draft report due to the Council. MassHealth provided an overview of the prior work during the first meeting, and in yesterday’s meeting, TUF provided an overview researched completed last year.
    - Joe asked for more information about the meeting. Jocelyn said she is happy to connect and debrief.
* EVV Subcommittee:
  + The last meeting was used to levelset for the new participants. Jocelyn reminded the Council that the purpose of the subcommittee is to assist with, monitor, and explore the feasibility and enhancements to the use of EVV. MassHealth provided a status update to the subcommittee and the group agreed to begin meeting after the pilot begins. At the first meeting in the new year, the subcommittee will determine the due date of the second report. Jocelyn added that the next meeting will also include a demo of the EVV system with Tempus.
* EAP and Retirement Subcommittee:
  + Jocelyn reminded the Council that the initial RFR that was posted for an EAP vendor did not receive responses. The new RFR was recently issued with improvement both to the distribution network and procurement language. The subcommittee’s objective was to take a focused look t the EAP and retirement counseling options and issue a report to the Council by June 30th.
* Labor Management Committee:
  + TUF presented at the first meeting and the state asked for more details, which TUF provided. In the second meeting, there was a discussion around PCA IDs and acknowledged there were issues with timing and sequence. Jocelyn added there were discussions around new training topics for TUF, which will also be discussed in the agenda today.

Investigatory Vendor

* Jocelyn reminded the Council that at the last meeting, members discussed contracting with a vendor to assist with investigation of harassment and discrimination. She said that over the prior months there have been several instances of sexual harassment and racial discrimination for both PCAs and consumer-employers, and that addressing these complaints has been outside of the Council’s expertise and capacity. She said that over the last few weeks, the state has been drafting an RFR for a vendor to investigate these cases in a consistent fashion.
* Joe asked if anyone has reported these previous cases to the AGO and whether there were outcomes.
  + Jocelyn said that some of the cases were reported to the AGO but that she was not aware of the outcomes. Lauren responded that the ones she is aware of are still active and ongoing, and not appropriate for the Council meeting.
* Becca Gutman from 1199SEIU said she wanted to clarify that the state is going to seek an outside group to look into these cases, and that the union will refile a bill this year that specifically addresses issues of sexual, racial or other types of harassment within the homecare realm. She said that the bill would allow for a group of stakeholders to come together and create a process for reporting, tracking, and training on these issues, and that 1199 is calling for a clear process for everybody involved. Becca added that she appreciates that the Council is taking the issue seriously and was curious how they envisioned the process working.
  + Lauren responded that the legislation Becca is referencing addresses a far broader group of workers than the Council’s purview, and that the current cases that have been raised to EHS have been managed with an ad-hoc process that is not sustainable in the long term given that the Council has one staff person at this time. Lauren added that she has been told there are firms and organizations that regularly do this work and are hired by employers to provide the investigatory functions.
    - Becca said that she is curious if anyone has an example of that type of firm, and said the topic merits more conversation, and that the union is interested in engaging with the Council since it’s a priority.
* Joe asked whether the contractor would have the power to prosecute. Lauren clarified that the contractor would not have the power to prosecute, and instead would serve as the fact-finding investigatory function that takes time and resources and energy. She said that if the complaint was substantiated it would be referred to the appropriate entity, whether it was MassHealth, the AGO or an entity with prosecutory jurisdiction.
* Justin Graceffa said that someone in his town stole his consumer profile for an ad looking for a PCA and used it to bring women to his home and harass them. Someone who came for an interview brought it to his attention. Justin said that there wasn’t anyone to report this to and feels this is a serious issue.

Training Topics:

* Jocelyn said that, as Council members heard during the subcommittee report, the union, on behalf of TUF, raised the issue of new training topics during LMC. Jocelyn gave the Council two options: Talk about this issue today or give members time to think and speak to the issue at the next meeting.
* Joe said he is reluctant to start a new training program and recalled asking TUF to show outcomes of their existing programs and what money has been spent.
* Becca said that she wanted to provide the context that when the union first negotiated the training through the contract there was a needs assessment about what trainings would be most helpful. She clarified that the group is not talking about mandatory training, but skill-based classes that would be helpful to PCAs in their professional development, and to consumer-employers in terms of their care.
* Justin said there were a lot of things they talked about yesterday during LMC relating to bladder care, changing tubes as examples; advanced skills for someone in his position as a quad. He added medication management and psych/BH-related issues.
* Jocelyn said that this topic was something the Council can return to.

1. **PCA Program Update**

MassHealth Program Updates:

* Jarred Damico from MassHealth provided updates to the Council.
* Jarred announced that there was a public listening session yesterday regarding the change to the weekly hours model. He said that around 150 people attended, and there was feedback that MassHealth is taking back for review, including the concern that MassHealth was going to use this change as a way to take away hours. He clarified that this is not what MassHealth is doing, and that the changes are intended to give people flexibility. He reminded the Council that the changes would happen summer or fall 2023.
* The MassOptions contract is due to end at the end of this month. MassOptions has supported the Tempus call center over the past few months, yet they have had challenges with staff and long wait times, therefore, MassHealth has decided to speed the process up. Jarred said that as of today, Tempus is taking 100 percent of the calls and have additional staff coming in. He said that if people have been on hold for a longer period of time than normal, the issue should be better moving forward.
* EVV Noncompliance:
  + Jarred reviewed the draft EVV noncompliance process with the Council for people who are not using the EVV system. He initially reminded the Council that EVV is a federal statute and a requirement, but that MassHealth does not want the payroll process to be disrupted. Jarred said that MassHealth does not want EVV to be the reason why people are removed from the program, but at the same time they have to enforce EVV and comply with federal rules to ensure funding.
  + Jarred said that the Council previously discussed a project investigating inpatient overlap where consumer-employers are billing for PCA services while in the hospital. In those cases, MassHealth tries to educate the consumer-employer first, and then if things are egregious, it turns into actual noncompliance. Jarred said that with EVV they are looking at a similar process.
  + EVV start-dates will be determined by the first letter of a consumer-employers last name. Not everyone will start at the same time, and it will take a year and a half in a gradual process.
  + Jarred outlined the process for noncompliance: For the first year, MassHealth would deal with noncompliance on an educational basis, recognizing it’s a new program and that people are not always comfortable with technology. Jarred explained that Tempus would assist with direct outreach through letters and referrals to PCMs skills trainers for a consumer assessment after four or five violations and/or a conversation about self-direction or surrogacy. After the first year there would be more escalation, including a warning letter, skills training, and if escalated, MassHealth may recommended the PA be terminated or transitioned to home health. Jarred clarified that MassHealth expected it would be a very limited number of consumer-employers that would get to this point. Jarred also clarified that as the consumer is the employer of the PCA, there will be no considerations for separate penalties or sanctions for the PCA.
  + Jarred added that while there are some pieces to iron out, MassHealth wanted to share the principle of what they are trying to do.
  + Joe compared EVV to consumers and timesheets, and suggested starting heavy with training for the skills trainers, as they will be at the forefront to help consumers, including those who can’t use the system for any reason. He added that if there was an ability for the surrogates to get involved with EVV that would be extremely helpful.
    - Jarred agreed and said it was in line with what they are trying to plan for, and said they want to make sure the PCMs have what they need; that it’s not about punishing people.
  + Chris asked what the bar was for state compliance with EVV.
    - Jarred said that his understanding is that MassHealth has to propose to CMS, the federal agency that oversees Medicare and Medicaid, the percentage of people they think will be compliant with EVV. Jarred said the proposal would be a certain percentage in the first year, and then another percentage in the second year. He added that they purposefully expect there would be lower compliance in the beginning.
    - Julian added that there is no standard, which is one of the challenges, and that CMS will ask for a proposal and then either approve or ask questions or work with MassHealth on a final version.
    - Jarred agreed that different PCA programs in other states are very different, and that some states have very small programs where they enroll everyone at once, and some states aren’t doing any exemptions.
    - Jamie Wilmuth from 1199SEIU asked if CMS is enforcing FMAP decrease due to noncompliance. Jarred said he was not sure at this time.
  + Joe asked if there would be language accessibility. Jarred confirmed that MassHealth is making sure there is at a minimum accessibility for English and Spanish, as well as other languages.
  + Chris asked if the rate of etimesheets has gone up. Jarred guessed that it has gone up, but said it was likely not a dramatic amount, and that he would ask Tempus. Jarred added that he was less concerned about people already using etimesheets and more concerned about people still using old timesheets.
  + Jamie asked for examples of old timesheets. Jarred clarified that some people aren’t signed up for the etimesheet system and enter their shifts in manually.

Recruitment and Retention Updates:

* Lisa Marschke from Commonwealth Medicine provided an update on the recruitment and retention projects. She said there are no slides for today’s update and that she will provide information to Jocelyn to send to the Council.
* Worcester County pilot project: Lisa said that they are working with ten pilot partner organizations including MassHire and MassRehab, and that the partners found their media package very impressive and the PCA job opportunities are worthwhile for their job seekers. To date, the partners have shared information through social media platforms, email, and in-person meetings in Worcester County, with a current reach vicinity of 10,000 views. Lisa said that the partners have shared what job seekers have to say about the opportunity, and that there’s a hesitancy to apply for a PCA position. Lisa further explained that many job seekers have a preference for full time work with benefits, for working in a remote environment, and expressed concern that a home or healthcare environment would expose them to greater health risks, specifically around contracting COVID, RSV, or the flu. Lisa said that the pilot has six weeks to go and they are tracking the survey results every week and will be adjusting training and marketing approaches to the concerns.
* Lisa added that CWM is working on a connection to the Call to Care campaign to ensure any information that is released can be shared by them.
* Joe asked if anyone has hired a PCA through the program. Lisa said specifically from this campaign, they have not had any hires to date.
* Cindy said she has been having a terrible time finding PCAs, and after calling several agencies, found out that these agencies are paying more money for what people call “babysitting” and that people have no interest in PCA work. She added that if there is anything the Council can do to help, to let them know.
* Justin said that he is having the same issue.
* Joe said that this is why they are doing the differential pay.
* Becca said that in the union’s experience, wages have always been an issue, and that they plan on addressing this during bargaining. She said that the nursing facility and homecare rates are going up higher than PCA rates, and it’s becoming harder for consumer-employers to find workers.
  + Cindy agreed and said it was cost effective to do independent living instead of a nursing home that costs the state more money. She said that the state needs to do something because the consumer-employers are going to end up back at nursing homes if they can’t get help for what PCAs get paid. She added that people are getting paid more without having to supports like bowel care and catheter care.

Call to Care Updates:

* Amy Bianco thanked Council members who participated in the survey, and said it was helpful to have their feedback. She emphasized that Call to Care is one small piece of larger efforts that have been ongoing to develop the campaign in collaboration with Lisa’s team, and is making sure they leverages the opportunity to amplify the work. Amy added that they are looking at spring 2023 implementation of the campaign.

Lauren thanked the Council for their thoughtful engagement and wished everyone a happy holiday. With no other agenda items for discussion, the meeting was adjourned at 3:33 PM.

Respectfully Submitted,

Beth Farnham