



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft METRO PARATRANSIT MEDICAID WAIVER FUNDING & POLICY REVIEW AD HOC COMMITTEE

Monday, January 9, 2017

5:00 PM 210 Martin Luther King, Jr. Blvd. (City-County Building)
Room 103A (Clerk's Conference Room)

1. CALL TO ORDER / ROLL CALL

Staff: Ann Schroeder, Crystal Martin, Nancy Senn

Guest: Doug Hunt

Co-Chair Kaysen called the meeting to order at 5:07 PM.

Present: 6 - Rebecca Kemble; Tim Gruber; Ken Golden; Carl D. DuRocher; Mary E. Jacobs and L. Jesse Kaysen

Excused: 3 - Margaret Bergamini; Susan M. De Vos and James D. Cobb

2. APPROVAL OF MINUTES

Golden had some clarifications to the December minutes. He moved approval of the minutes as amended; DuRocher seconded. Motion passed by voice vote/other.

3. PUBLIC COMMENT

There was no public comment.

4. DISCLOSURES AND RECUSALS

Kaysen checked if everyone had filled out their Statement of Interests form. Everyone had. Kemble mentioned that she is a worker/owner at Union Cab.

5. [45635](#) Questions for State

Attachments: [Family Care Questions 12-23-16.pdf](#)

Golden said he expected that the state would say the Managed Care Organization (MCO) gets to negotiate the rates and the state isn't part of that. That merits some clarification. The overall amount of capitation in Dane County is going to be higher due to how transportation was funded in CIP I. The rate is also missing Metro's money. The state has an obligation to tell that to the MCOs assuming all the same transportation services will be provided. Their capitation was increased due to the state share but shorted because they don't have the Metro share. This arrangement permitted Metro to provide services to the MA Waiver riders since 1984. If this is left up to the MCOs and

they act in a manner that is detrimental to Metro, that will do major damage to a transit system by state neglect. The state has a separate contract with each MCO, and it starts out as a standard contract. We could be made whole by saying up front that any trips provided will be made under the previous arrangement. But if they don't do something to address that there has been a change and MCOs just provide a fare, the implication is disruption of the entire service system residential, vocational, etc.

Alder Gruber wanted to be clear that the state is saying that Metro would have to negotiate with the MCOs. Martin said Metro would have to sign up as a provider. Gruber asked how Metro could enter negotiations from a position of strength. The state will go to the MCOs with an RFP. Is there any way Metro can influence that RFP process to our advantage. For example, through state representatives. Martin said sometimes Metro will get something from surrounding counties from MCOs who want an idea from providers about what costs are so they know what to bid. That is one input. In terms of legislators, she wasn't sure whether that would be helpful. Senn said even if other MCOs are looking to come into this area and do an examination of what happened elsewhere, it's so different than what happens here, they would get false information by using data from other areas.

Golden said there is an organization in Chicago called the Center for Medicaid Services. They are monitors, although it's of a very different kind. While still in his position with the state, Golden had inserted a line in the definition of transportation that said you could be reimbursed for the cost. That line was subsequently dropped. So there is recourse. This is where our federal representatives become more involved. Perhaps Metro could contact the home offices of Senator Tammy Baldwin and Representative Mark Pocan and tell them there is a possibility the state will look the other way and that could result in some very severe damage to the transit system. Put them on alert so then if there has to be subsequent contact, the staff person would be well versed. Martin said there is a legislative trip planned for March.

Martin said going back to Alder Gruber's question – this somewhat mirrors the Medicaid broker. She asked Alder Kemble if she had experience when Union Cab negotiated a relationship with the provider. Kemble said Union started by refusing to sign their contract even though the manager wanted to. Because they were going to do things like force drug testing, not pay for no-loads, pay just market rates. Even though it was 25% of Union's market, it wasn't worth it. Other cab companies didn't sign a contract either. Badger did briefly but enacted escape clause because it was so problematic. It forced the broker to sign on with Union as a customer at the appropriate rate. There are still struggles with them when they contest fares or not paying while things are in dispute. Kemble said the providers have a lot of power. Martin said that's helpful. Metro has the ability not necessarily to establish payment up front, but use fare media. That is an avenue to enforce agency fares.

Golden said Metro wants to show the MCOs that they want to work with us and not against us. A certain number of people are getting services above the minimum. Martin said regarding a strength position, we need to keep in mind what our services are. One way to have strength is try to get payment up front as much as possible. Also, remember there are certain aspects of the service

that are above and beyond that Metro doesn't have to give away, but that the MCOs will want to purchase so people can have transportation.

Golden asked if Metro is allowed under ADA to suspend services for non-payment. Kaysen said no. Martin said it's tricky. There are a couple operational issues. Metro never leaves anyone stranded in the community, so if it's a return ride, Metro will get them home. There are provisions in the ADA that if people are abusing the policy, the provider can suspend service. But it's a process. So overall Metro has a \$9 million operating budget for paratransit. Six million is the cost to provide service to the MA Waiver group. Three to \$4 million is pass through funds and \$2 million is Metro local share. So of the \$9 million, the bottom \$6 million is waiver rides. The top \$3 million is not waiver riders. So the \$2 million at the bottom is what the city contributes to MA Waiver. I think Metro will keep that money in the game of providing service. If MCOs decide they can get service somewhere else and Metro loses \$3.7 million because they are using another provider, there are still some folks who can be trained to ride paratransit. Maybe all those rides that stay with Metro equal the \$2 million. If Metro can that \$3.7 million pass through from the state would have been for over and above services, that would be fine if those rides follow the money either to Metro to other providers.

Golden said that our non-Metro providers (cabs) are the ones that might be at greatest risk of losing a measurable amount of business. If a residential agency buys a van, that's great for Metro because there is no cost to Metro. But that's taking business from the cab companies if those are rides Metro would have purchased from the cab companies. Metro will be using their own directly operated service first and not having to purchase from the cab companies.

Golden said if the MCO doesn't pay Metro promptly, there is a process for suspending someone. It might be cumbersome, but even if Metro just provides suspension notices for a small number of people, the MCO is going to send payment to avoid their whole system from collapsing around them.

Martin clarified. The bottom \$6 million of the \$9 million is 182,000 MA Waiver trips. The top \$3 million is about 100,000 cash trips. Within the 182,000 trips is the \$3.7 million of pass through and the very bottom is \$2 million from the city. Golden said under the waiver, you can't split the trip by funding source. Federal money does not exist without the state money. But in Family Care (FC), they can replicate the split "bucket" so to speak. That's a difference between the two programs. Martin talked about some scenarios Metro needs to be ready for.

- 1) MCO wants to negotiate, and Metro needs to have strategies. That could maintain the status quo.
- 2) The MCOs just want to pay for above and beyond agency fare and the rest of the people they just pay the fare.
- 3) MCOs just want to pay fare for same level of service Metro is currently providing.
- 4) IRIS – negotiating with people in addition to MCOs – This needs to be a

subset under 1, 2 and 3.

Staff would like time to fill in what happens operationally and bring ideas back to the next meeting.

Kemble said she thinks MCOs will realize really quickly to do the above and beyond work without Metro. Martin said she thinks there are a number of small DBEs that would be willing to do the work more cheaply.

Golden said at some point this needs to be rendered into a per trip cost because there are people on the waiting list who want to be served. Most of those people are paying fare right now. If a ride costs \$60, there is the ability in FC to negotiate the rate. The negotiated rate could be an agency rate lower than this, and Metro uses the \$2 million to make up the rest. The MCO would be comforted by that.

Golden also requested some of the contingencies that Metro could do to mitigate trip shedding, like people who are unable to ride alone. Make a list of that sort of thing. That would be a real position of strength. If MCOs suddenly have to provide attendants for 70% of the trips, they realize that's impossible and would make them more willing to negotiate. Martin said staff will work through each scenario and bring steps back to the committee.

Golden said on the third point, many people do not have the ability to handle cash, so their rides will be paid for by a third party, and that identifies them. Kaysen people are not allowed to buy tickets with agency checks. That's one way Metro catches them now.

Gruber said often negotiations are closed door. Given that all this information is in the minutes, is that problematic? Martin said the current agreement with Dane County is public record. It's actually good if the MCOs know this. Kaysen said scenario number three is difficult because it goes against our values. But it helps us develop ideas one and two. Martin said it's important in number three to identify things Metro is willing to follow through on – no bluffing. For example, if Metro requires cash and decides to have no tickets. That's within the ADA, and some people can't handle cash. Staff will include all possibilities and take into account what Metro is willing to do. Golden said be aware negotiations will be with each MCO separately.

Hunt asked how agency fares fit into these scenarios. Wouldn't Metro tell the MCOs the agency fare annually? Martin said Metro does that with current agencies using the agency fare. Metro has two dispatchers who monitor the fleet and all the contracted fleets. There is one scheduler and also an in-person evaluator who can help out. Nancy Senn is one administration level supervisor. So there are two ways to do above and beyond. We can say it's \$35 (or whatever price) and here's a ticket for any ride. A tiered system could also be developed. Maybe someone doesn't need leave attended, but they have an oversized mobility device. They could pay cash fare for the lower level of service but pay more when they need the higher level of service. Or keep one agency fare that gets any above and beyond service that is offered. That latter is easier to administer.

Senn said we get through a budget recommendation in May. Summer would have to be firming up all policies, procedures and training staff, customer service, drivers and providers. Then in the fall, MCOs will be selected and just then begin negotiation. Then public outreach effort on changes would start. Martin said if the MCO wants 6 months or a year of status quo, Metro won't have to do a lot right away to train people. Golden wondered if there would be any interest from the MCO for buying dispatching functions – whether Metro has capacity, the cost could be reduced by that. Senn said Milwaukee looked at that scenario, and it was so monumental. Golden said what about just these rides. If the MCO is going to have to create a dispatching function, could they contract with Metro for that service? Senn said Metro doesn't have the capacity for that. Golden said it's the same rides Metro is doing now. Martin said the structure itself could have a problem. Kemble said but there will probably be different MCOs and IRIS. Golden said say there are three MCOs and they each have a third of the people. Martin said staff will address this for next time.

Golden said he would like staff to bring back a potential one page document to present to the state and the MCOs as a description of the current service model because they don't know it, and the more Metro can describe it to them the better it will be. Martin said staff can do that from a public transit perspective. It would be helpful for members to look at it from a social service perspective.

Hunt said you are going to outline the implications of each scenario, not necessarily the impact on riders. Martin said yes, but it's important during discussions to be aware of what the impact on riders will be.

6. [45636](#)

Dane County Funding

Attachments: [Dane County Funding 2017 Draft Budget.pdf](#)

With FC, MA CIP/COP waivers go away. Transportation provided by the county to people outside of Madison amounts to \$713,000. The county is over matching to make those rides happen. The contract with Metro currently says \$2.9 million; it's closer to \$3.8 million with adjustments during the year. \$4.8 million of state revenue that comes into Dane County is going away. Hunt said presumably STS will be picked up by the MCOs. Golden said there are a number of non-Dane County residents who were in CIP and COP funded by other counties. They are in MCOs, and he wondered if Metro or the county has any relationship in the MCOs with those folks? Martin said Care Wisconsin has a number of people who go to Adult Day Care. The County has some folks who go to Adult Day Care, and the county contracts with Care Wisconsin to provide rides so there is not duplication. Golden is concerned that some MCOs might have experience with paying a fare, and Metro won't know who they are from other counties. Added together it's a decent number. Martin said those are the folks paying \$3.25, no negotiation, and Metro is providing above and beyond. So they come under scenario three and address it there.

7. Other

Golden said he seems to have a semi-permanent conflict. Another committee meets sometimes in conflict with this group. Kemble noted that those conflicts

won't happen in February and March for the 2nd Monday, so there is no problem yet.

There was discussion that these written answers are probably in place of a live person from the state attending a meeting. Golden wants to arrange a meeting with staff and an IRIS person. He thinks IRIS will be even more problematic because there is no central authority. Possibly 50% of Dane County participants could opt for self directed service. Martin said this will be included in the scenarios.

8. ADJOURNMENT

Golden moved adjournment; Gruber seconded. The meeting adjourned at 6:11 PM.