



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, February 27, 2017

5:00 PM

210 Martin Luther King, Jr. Blvd.
Room 103A (Clerk's Conference Room)

1. CALL TO ORDER / ROLL CALL

Co-Chair Kaysen called the meeting to order at 5:00 PM.

Staff: Nancy Senn, Crystal Martin, Ann Schroeder

Present: 7 - Tim Gruber; Margaret Bergamini; Ken Golden; Carl D. DuRocher; Mary E. Jacobs; L. Jesse Kaysen and James D. Cobb

Excused: 1 - Rebecca Kemble

2. APPROVAL OF MINUTES

Cobb moved approval of the minutes; Gruber seconded. The motion passed by voice vote/other.

3. PUBLIC COMMENT

There was no public comment.

4. DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

5. REPORT OF MEMBERS

There were no member reports

6. [46290](#)

Fare Concepts

Attachments: [Fares Concepts.pdf](#)

The group decided to look at the elements present in the scenarios to see how they fit together. Senn said door to door service requires the driver to go to the front entrance of the building to pick up and drop off the passenger. What Metro has right now is curb to curb service, but in both cases there is a provision in the ADA called origin to destination service. If Metro were to change to curb to curb service dropping people just at the curb, there would have to be a determination during eligibility if there is a need to get to the door. In those cases when it is really required, Metro would have to make

decisions about when it would actually be implemented in the field by the driver. That would be a significant shift from what is being done now when any customer can request door to door service.

Cobb said he always wondered about door to door service. He never asked for it, but he got it and he usually doesn't use it. Senn said that is one of the challenges of implementing any of these. Metro tries to keep it simple for the driver, and it is difficult to get them to recognize distinctions for individuals rather than a one size fits all system. The education of the drivers and doing it in the field is the challenge for the drivers, so we would need to come up with criteria.

Martin said of 280,000 one way trips approximately 270,000 were tagged as door to door. People use it as a safety check against no shows. Then the driver has to come to their door and there is less chance of being no showed. Not because they necessarily need it, but as a safety against a no show occurring when they don't want it to.

Kaysen said the next item is free fares for personal care attendants (PCA) or companions. Senn said similarly, during eligibility the need for a PCA would have to be determined and put in the file. Metro currently provides plus one service, so anyone can go with the rider whether a PCA or companion. If Metro were to do strictly what the ADA calls for, it would have to allow a PCA to ride, but the distinction would have to be made between a PCA and companion, and then there would be a fare charged for the companion. It would take a bit of effort to get to that point. Kaysen said that wouldn't be a trip by trip decision but person by person. That determination would be made at eligibility and then the rider could use that when they chose.

Golden said if a person has a PCA with them, why are they even on paratransit rather than mainline. Senn said because it is an ADA requirement. Martin said it might not be that the PCA assists for transit needs but when they get to the destination. Golden said how do you distinguish between PCA and companion? Senn said Metro can charge a fare for the companion, but systems have to make space for them as long as they don't displace another eligible rider. Golden asked what fare the person pays. They pay the paratransit fare. DuRocher said also in the status quo if an eligible rider brings along a plus two, then that person must pay the paratransit fare. Golden said some of the things this committee is talking about as separate entities are subsets of service, some are subsets of fare, but he would add to this eligibility. When a person really is not supposed to be alone in the community, that is a separate category. Under eligibility, there is eligibility of the person and then eligibility of equipment.

Cobb said this probably happens once in 1,000 times, but from time to time when there is a plus one situation, the paratransit eligible wheelchair user is acting as a PCA to the ambulatory person. People always think of the non-ambulatory riders as needing a PCA, but they may be the person who is the PCA.

Kaysen said billing seems to be an issue. "Limited duration billing" – is that under 30 days? Senn said a concept that was put forward for 6 months

maximum. Martin said there was discussion of billing for rides vs. providing tickets. Based on other areas transitioning to FC, there have been payment issues. Martin said although Golden said the MCOs have reserves now, so that's not an issue, she's still skeptical. Sometimes they get into disputes because they consider the bill like an insurance claim. Golden said somewhere in the western part of the state, an MCO went bankrupt. He wasn't sure what the state did to compensate the vendors. Martin said Metro never had an issue with the county, but other entities have been an issue. Senn said at our last meeting there was some discussion that maybe the 6 month billing period during transition would be used so Metro could get payment in advance. Golden said it might be better for the MCO because it would help limit trips. Martin said staff is putting forward that there might be a need to do something during transition, so we might be willing to bill during that but not in the future.

Bergamini said whatever decision we come to in this committee, it should be reviewed by someone in the city who does a lot of cash handling or Wayne Block and his staff. She also has concerns about billing disputes. Golden said once there is agreement on the categories, it would be helpful to have a list that also shows each ADA minimum. Kaysen said that is spelled out in Scenario 3. Martin agreed. Golden said it's not as clear. It would be very interesting for MCOs to see what the minimums are. Having this in the hands of our providers who we have a handshake relationship with now would be good. Having a scenario starting at ADA minimum and showing how you can staircase up to better and more responsive service would make things clear.

Kaysen said the last thing is subscription trips. The ADA does not require the provision of subscription trips. But Senn has made clear that it is convenient for everyone – riders and Metro. Bergamini said it is efficient and provides cost savings. Senn said the reason she raises it is that if Metro were to encounter capacity constraints, it would be terrible to have to pull this out at that moment. Metro needs this as a tool in case there are capacity constraints in order to deal with that. With capacity issues, a system has to limit subscriptions to no more than 60% of rides. Cobb clarified that subscription rides are standing rides. He said if Metro ever has to limit subscription rides, limit it like door to door – to those who need it. If there is someone who has a job, they can use standing rides. But if someone decides that every Tuesday he wants to go to the Great Dane, that standing ride would be convenient, but the person doesn't need to go to the Great Dane every Tuesday. Martin said she understood. In talking about defining subscription rides, an option is to say it is more than one ride a week. Or if rides are cancelled frequently, then it's not really a standing ride. Or it can be looked at by trip purpose. Kaysen said you can't screen regular rides by trip purpose. She wanted to advocate for not looking at trip purpose. As someone who cannot work, why is a work trip more important than her going swimming? Martin said screening by trip purpose does not fit with our community values. Golden said it's important to clarify the minimum eligibility, including temporary eligibility. Golden said he wanted to define that.

Cobb said he wanted to expand services. Door to door is valuable; having to wait at the curb with a negative wind chill is really bad. When he was working, he would wait for a knock on the door before he went out.

Senn said if there are capacity constraints, subscription service has to be limited to no more than 60% of service. Kaysen asked if individuals could be limited to something like only one subscription service per week. Martin said subscription service isn't required so systems can do anything with it. But if there are capacity issues, that is the first thing the feds will look at changing. Sixty-five percent of Metro's agency trips are subscription trips.

Kaysen said her understanding of the latest ADA guidance is that there is no common wheelchair definition. In that case, what constitutes oversize? Senn said the indicator measurement 2" off the ground and the word "common" were removed from the guidance. The idea was to define the space within which the wheelchair must travel rather than size of wheelchair. The guidance that came out in December did not contain dimensions for path of travel. Martin said there are maybe 500 – 700 trips per year one way, so it's not a lot of trips over all. They tend not to be in the waiver program. The problem is to find a provider who can do the service at all. There was provider who could accommodate oversize wheelchairs, and it is now closed. Metro can, but there is not another option if a Metro vehicle is not available. Bergamini asked why Metro isn't keeping a vehicle available on weekends and other times so that service is available. Martin said it's not required; a system has to try its best. Metro does schedule those oversize devices first to try to accommodate them. Martin said Metro hasn't provided weekend and holiday direct service because there isn't the volume necessary to keep drivers out there. Golden said guidance (as opposed to regulations) might allow Metro to go above and beyond by interpreting things as liberally as possible.

Martin said oversize mobility device guidance says if a system has the equipment, it has to provide service. A system can't refuse service simply because it's not required. If it's possible, a system has to provide it. DuRocher asked if "oversize" refers to height or weight. Martin said it varies – weight or width. Golden said if CIP required someone to get from point A to point B, paratransit was an option. If paratransit is not an option, CIP still had to provide transportation and find a vendor or develop a vendor. So paratransit is off the hook. He doesn't know if this is the same in FC regulations.

Cobb said when he was reading the scenarios, it struck him as similar to what they used to talk about in ADATS, and he wondered if this committee's work would be referred to ADATS. Kaysen said this committee's charge is to make recommendations to TPC, and the TPC should get counsel from ADATS. Cobb said suppose this committee produces what it thinks is a good scenario, and the MCO think it is a good scenario. It goes to the TPC, they ADATS and ADATS hates it. Martin said one reason this ad hoc committee was formed is this is a really big topic with a lot of consequence, and this is why it consists of alders, TPC members, core ADATS people who never miss a meeting, former alders, the big think tank in terms of policy. ADATS has had a problem for several years now of not making quorum. Given the nature of the decision making, Metro needed a group that would meet and tackle these issues. More recently, TORC was looking at consolidation of committees. Bergamini said the charge from the TPC was to report back to the TPC, not to report back to other subcommittees. That's up to the TPC. Martin said the idea is to have something in preparation for budgets because of the fiscal implications.

Cobb said he didn't find any of the scenarios unacceptable. Gruber said he's been thinking about the city's negotiating position. So maybe these scenarios are ok for negotiating, but he has a problem with scenarios 2 and 3 if Metro is going to offer a service to customers and it puts us in a worse financial situation as a city. Anything other than scenario 1, would be providing less service at a greater cost to the city. Cobb said he didn't say any were good, just that they were acceptable. Metro can't depend on the state or the MCOs to be like our current agreements. Metro should fight to the last for scenario 1 but understand that it might be forced to take something less.

Kaysen sees the scenarios as which is the least worst. Golden sees the scenarios as a great way to discuss things within the committee but useful outside of that. When MCOs respond to the RFP, Metro will know what their intention is. The current situation is what Metro would like. Metro has found that is what customers like the most. It takes a certain amount of funding to maintain. Metro is providing service and other things above the minimum. Golden felt what would be useful is the way things currently are and then the absolute ADA minimum along with some of the discussion from the committee - why we have seasonal eligibility, what would happen if those were limited, etc. He wants the providers to realize if Metro provides only the minimum, there isn't a cost savings. Money is just being moved around. Metro won't necessarily be a Family Care providers, but if folks get on Metro's bus, funding must follow. Bergamini said that it is a good way to approach it.

Golden said Metro could have legal problems if there is provision of the minimum to FC customers and not to others. It's great the committee is getting the details of what these minimums and variables really look like, but from a negotiating strategy, he doesn't think Metro could talk about this before seeing the RFP responses. The money being put into the capitation rate is currently funding Metro services. So FC has the money. The only money they don't have is new people currently not getting service – a much smaller number.

Martin said staff wants to have a discussion about premium vs. agency fares. Staff can put together a list of absolute ADA minimums. But then there is what the community can tolerate. Bare minimum is only cash fares. That would exclude a lot of people. Is the community ok with that? Maybe for next time, it would be helpful to know what the community is willing to accept. If Metro finds itself in a position where there hasn't been input or decisions, in negotiations staff would have to make decisions on things for which there was no guidance. Metro should do its best based on the information gathered from the policy maker guidance. Golden said ultimately the advice this committee gives and the way this plays out in the future isn't that the Council is passing a resolution to start negotiations. Martin, Senn, Kamp and the Mayor will have to deal with the MCOs based on discussions had here. No one is going to adopt anything; that's the difference. You are not going to get more than a discussion of contingencies.

Senn said looking at our schedule of meetings and the timeline of FC, there needs to be a budget request. Staff is trying to put together the best scenario possible when that budget request is due. What Golden is saying may be true, but this is still what we have to do. Bergamini said my experience is that it

will not be the Mayor and his staff, it will be Chuck Kamp and his staff working on the negotiation. The Mayor's staff and Council will eventually sign off on it. It is Metro staff negotiating with MCO staff. Staff also comes at this through the budget process. Staff recommends to Kamp, and Kamp to the Mayor. The Mayor includes what he wants in his budget, and then a decision is voted on by the Council. Staff is asking what is unacceptable to the community, and this committee is representing the educated sector of the community. Going into negotiations, it is necessary to know the worst fallback position and which points are more important than others.

Cobb said this goes back to his question about ADATS. He doesn't know how representative he is of the community any more. He didn't find any of the scenarios unacceptable, and he meant it. But he was saying that based not on his own situation but as an analyst. He's not sure what this committee finds acceptable would in fact be acceptable to the community. Martin said the TPC will get this and that is where community input happens. Kaysen said it is important to remember that wheelchair users are a minority on Metro paratransit. Cobb said he's trying to think outside his own box, but that is difficult. Kaysen said if there is concern about community input, members should make sure communities are informed and available to give input at the TPC. Martin said there will be a public hearing.

Golden said the issue is bifurcated. We're talking about negotiations with the MCOs and a budget process. The Mayor will make decisions based on a negotiation that hasn't happened; he'll put something in the budget that may or may not show the city's hand. The Mayor will get a lot of briefings on this because there are many variables. The committee needs a clear picture of these two processes and what each will look like. The budget is related but different than the negotiations with the MCOs. Golden wanted to make it clear that this is a complex environment.

Senn said the premium fares were meant to be for anyone who wanted anything beyond however the city defines the basic fare. Staff wanted to make some of those available to individuals. Agency fares are for agencies. It would approximate what current service is. Under one scenario, it has been completely left off. Cobb is not with an agency, for example. Cobb asked why there is a difference between standard and premium. DuRocher said standard is curb to curb, and there would be a charge of 50 cents more for door to door. It could be for an a la carte menu of a variety of services. Cobb said I would have to be evaluated to determine if I need a PCA, door to door, etc. So tempted to try everything to see what sticks. That would increase Metro administrative costs. Martin said a benefit of our agreement with Dane County is getting funding without policing these services. Whoever asks for them gets them. If Metro enters into an agency agreement with MCOs, is it this same agreement? Metro has limited capacity to run administrative systems simultaneously. Cobb said the non-MCO riders could cause more administrative costs, and Metro doesn't want that. Senn said right, and staff has to take into account how long it would take to do those evaluations.

Metro currently has agency fare agreements with Care Wisconsin, Monona Grove School District, and South Madison Coalition in addition to Dane County. They all pay the same rate.

Golden said there is an agency fare for whatever agency wants to pay it, but there is also a rich service that is being provided to individuals. The city just gets more money for the same services provided to agencies. The discussion is if the agency wants the service, they buy it for the amount Metro is charging. If the individuals wants the same service, Metro can provide it unless there is not enough money. Going over budget requires some changes. The scenarios are less meaningful than the variables.

Martin said so what I am hearing is that if Metro isn't invited to negotiate or doesn't come to agreement, there should be premium fares. Golden said no. For individuals, Metro keeps it the same. Care Wisconsin already pays the agency fare, so it won't be a surprise. If it turns out they don't want to pay that, staff negotiates and sees how that goes. It's good to know what variables will save money if necessary.

Kaysen said another discussion is eligibility. Metro has been mellow about it. Golden said this variable provides tremendous leverage with any MCO. If they want our service, and the rider can't be let off the bus (due to potentially liability like ending up in a pool) then they need an attendant on the bus too. What if the bus breaks down and the person has to wait on the curb; they need care. That brings up Metro getting the full payment and not just the federal payment for the Exceptional Rides program. Metro is giving rides to people not eligible for Metro Plus. Martin said Metro is not providing those rides. Golden said if the person on the bus is not capable of independent living in the community without supervision, Metro can require supervision. He believes that is a sustainable position. Martin said let me clarify those remarks in the context of ADA eligibility. If someone is eligible for service, they are eligible. If they are not ok at the drop off point on their own, they need someone to ride with them. Then it depresses their utilization. Golden said another scenario can add this factor, and it is a poison pill to the MCOs.

Kaysen said next time staff will have a list of the most poison pills and attack those with our community values to say what is acceptable and what is not. Martin said it will be in the context of how it affects fixed route. Bergamini said Metro knows what the client base is now and what would be acceptable to them, their families, etc. Do the hypothetical costing out. With the a la carte menu, what would be the lowest administrative cost, most beneficial – to the extent that is possible.

Golden said the most useful thing he doesn't have in front of him are 1) a list of all agencies that have agency fare agreements and 2) a short discussion of ADA minimums so someone can see those and understand without asking questions. The bigger variable in budgeting would be the size of the waiting list and number of COP clients. Martin said has that from County budget documents.

7. [46291](#)

Sample Existing Agency Agreement

Attachments: [Sample Agency Fare Agreement.pdf](#)
[Care WI Agency Rate 2017.pdf](#)

Sample Existing Agency Agreement – Kaysen said there was very careful

language about liability that she assumes hinges on the point Golden was making. Other than that there isn't specificity in these agreements. Martin said a lot of this hinged on the charter regulations. Qualified human service agencies were listed, and they would be subject to agency fares. That's what those agreements get at.

Golden said at the committee meeting after the RFPs are due, he would like to see what MCOs are doing for transportation.

8. [46292](#) Paratransit Provider Contract Term

Attachments: [Paratransit Provider Contract Term.pdf](#)

This item was not discussed.

9. Future Meeting 3/13/17 - reschedule or cancel

DuRocher said RFP responses are due the first week of April. After that, this committee will have more to do. The end of March will be soon enough. Golden said he was reading the RFP itself, and there were some things in the first ten pages that could be very useful in terms of what proposers are required to do. Staff could confirm from the state what funding sources go into the revenue supporting the RFP. They are moving money from other state programs. It would be useful to know that.

The group decided to cancel the 3/13 meeting, schedule a meeting for 3/20 and keep the meeting for 3/27.

10. Other

Nancy Senn shared some RFP highlights.

Timeline: Family Care will begin in the first quarter of 2018

- Enrolled served by MCO by December 31st of 2018
- Thirty-six months after the start date in the county is when everyone has to be moved off waiting lists
- Initial 2 year contract term with two options each two years. So total term could be through 12/31/2023.

No capitation rate is listed for Dane County yet. The proposals are due prior to having the finalized capitation rate. She referred people to pages 26 (bottom, last paragraph), and appendix C. There is very little about transportation, although there is a separate line item for transportation for submissions. Page 49 under coordination with other programs (page 50) it talks about transportation.

Capitation rates that MCOs build their proposals around can't vary by more than 1 – 3% in the final proposal. Senn did not see information on a pre-proposal conference. Proposers have the opportunity to submit written questions.

Questions the committee has:

- Who is the contract manager for the state?
- Is there a way for the city to ask questions?
- How is IRIS being dealt with?

11. ADJOURNMENT

Golden moved adjournment; Gruber seconded. The meeting adjourned at 6:40 PM.