SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES

The Department of Health and Human Services held a public hearing on Wednesday, October 10, 2018 to obtain public comments on proposed rule changes. Written comments were accepted through Saturday, October 20, 2018. This document combines, summarizes, and responds to all the comments received during the public comment period ending Saturday, October 20, 2018.

List of Commenters:
Commenter 1: Jamie Wrobel
Commenter 2: Kim Humphrey
Commenter 3: Darla Chafin
Commenter 4: Maggie Hoffman
Commenter 5: Lydia Dawson

General Comments:

Commenter 1:

1. Commenter one stated that the increase does not meet the needs of providers. Commenter suggests the Department recruit high school and college students to teach empathy and inclusion. Additionally, commenter suggests those who receive social service assistance should volunteer to decrease ratios.

Response:
The Department thanks the commenter for this comment. The Department understands the need for providers to find additional solutions for staffing however that is outside of the scope of this rulemaking.

The Department did not make any changes based on this comment.

Commenter 2:

2. Commenter two expressed support for the rate increase proposed in this rulemaking. The commenter further expressed the importance of an automatic increase in rates to meet a “continuously changing economic landscape.” Commenter indicated the increase should be associated with cost of living and adjust to economic factors.

Commenter stressed the following questions and recommendations: What has been the Department’s process for assessing rates over the past decade, how often have they been assessed, automatic adjustment of the rates, annually assess rates for competitiveness, and allow a higher rate for staff supporting those with behavioral challenges.
Response:
The Department thanks the commenter for their comments. The Department is always prioritizing payment of an appropriate rate for services. The increases in this rulemaking were associated with legislative changes. Future rate increases are outside the scope of this rulemaking.

The Department made no changes as a result of this comment.

Commentor 3:

3. The commenter thanked the Department for the rate increase. The commenter expressed concern for the modest increase and its ability to sustain facility expenses in the future. The commenter explained challenges faced by clients and staff due to high staff turnover. Commenter expressed the need for paying these people a salary that reflects their worth and including a system to keep their salaries at a level reflective of the work they are expected to do.

Response:
The Department thanks the commenter for their comment. The Department understands the value of these services however the rate increase was legislatively mandated. The Department made no changes as a result of this rulemaking.

Commentor 4:

4. The commenter states that the rate increase should follow cost of living increases and suggested that the Department utilize a rate of base pay starting at $15 per hour.

Response:
Please see the Department’s response to comment number 3.

Commentor 5:

5. The commenter thanked the Department for implementing the rate increase as directed by the legislature in the last legislative session.

The commenter explained that community providers were negatively impacted by the amount of time it takes for providers to bill retroactively due to increases like this and requested that if the Department continues to do this that the process be reformed to be more efficient and streamlined for providers. Commenter also requested the Department collaborate with MACSP to rectify the problem in the current system and work together with the provider community and all divisions of the Department to create a process which is efficient and streamlined for all parties.

The commenter expressed concern with regards to a workforce crisis based on the following points:

- Providers are struggling to find Direct Support Professionals.
- Lack of staffing has led to home closures, lapse in services, and high staff turnover.
- Proposed rate will allow providers to increase wage rate which will become minimum wage soon.
- In January 2020 once the minimum wage increases again the rate at that point will no longer support minimum wage.

Response:
The Department thanks the commenter and will take the suggestions into consideration for future rate changes. The Department did not make any changes based on this comment.