

West Keely L

From: West Keely L
Sent: Wednesday, September 26, 2018 8:19 AM
To: 'sradcliffe@droregon.org'
Cc: Windham Jeanne; BANWARTH Allison W
Subject: Your records request

Sarah,

You contacted my colleague Jeanne late last week about when you could expect to receive the records that you've requested related to KEPRO data. I apologize for the delay in your request. We have had some difficulty determining what data we can access since the information is mostly held by the contractor. Jeanne escalated this request to me earlier this week and I am reaching out to program managers to facilitate. We will have an estimated date of release for you by Monday at the latest and Jeanne and I will be working to make the information we can access available to you as quickly as possible. Again, I apologize for the delay. OHA prides itself on quickly responding to public records requests and the response in this case is not meeting our "standard of care" in that respect. Please feel free to reach out to me if you have any questions.

Thank you for your patience.

Keely L. West, J.D.

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Central Operations Manager
Oregon Health Authority
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West Keely L

From: West Keely L
Sent: Wednesday, October 3, 2018 2:05 PM
To: 'Sarah Radcliffe'
Cc: Windham Jeanne; BANWARTH Allison W
Subject: RE: Revised DRO records request

Thank you, Sarah.

I will reach out to program staff and get back to you as soon as possible. Jeanne has a meeting set with program staff on Friday so we should be able to provide an update at that time.

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From: Sarah Radcliffe <sradcliffe@droregon.org>
Sent: Wednesday, October 3, 2018 2:02 PM
To: West Keely L <KEELY.L.WEST@dhsola.state.or.us>
Cc: Windham Jeanne <JEANNE.WINDHAM@dhsola.state.or.us>; BANWARTH Allison W <Allison.W.BANWARTH@doj.state.or.us>
Subject: Revised DRO records request

Dear Ms. West,

Thank you for your reply and for talking with me on the phone. Now that we've had the opportunity to review the contract between OHA and KEPRO, I think we can tailor our request to match the data that KEPRO is already required to report to OHA. Please see our modified request, below.

We continue to hear concerns from stakeholders regarding KEPRO's utilization review, and we ask that OHA expedite the response to our request. We're happy to receive the information in batches, as it becomes available. As you noted, this process has already been delayed. Our first written request was sent on August 1st. There have been interim communication to match the request to available information. Nevertheless, It seems reasonable for us to expect to begin to receive responsive documents next week. If that does not seem feasible for OHA, please let us know. We look forward to meeting with OHA on November 9th.

1. Please provide all quarterly quality assurance reports from KEPRO to OHA (as required by the KEPRO contract, see p. 29)

KEPRO is required to submit quarterly "quality assurance" reports to OHA. Those reports must include information including:

- Evaluations conducted
- Eligibility determination outcomes
- Number of appeals
- Number of individuals due for redeterminations

Number of service plans that are
adequate and appropriate
address personal goals
meet staff requirements
reflect involvement of participant
include measurable outcomes
reviewed and revised based on changing needs
revised within last 12 months

Percentage of participants records who received the type, scope, amount, duration, and frequency of services specified in service plan

Total records reviewed demonstrating participant involvement in service plan development

2. Please provide the number of Fee-for-Service participants enrolled in case management through KEPRO.

3. Financial information:

Please provide the *amount of money* that KEPRO has been awarded in “performance payments” for individuals discharged promptly after reaching “ready to transition” from the State Hospital (OSH), *and the number of such payments*. Please also provide the number of individuals for whom KEPRO obtained this performance payment, who were again deemed “ready to transition” from OSH within 180 days.

Please provide the *amount of money* that KEPRO has been awarded in “performance payments” for individuals discharged promptly from SRTFs *and the number of such payments*.

4. Please provide sample copies (which may be redacted) of the following:

The written information provided by KEPRO to the individual regarding the process for changing a person-centered plan, as well as the notification of the grievance process and appeal instructions. (see p. 27 of the contract)

5 examples (which may be redacted) of the “services and supports plan” for people who were transitioned from SRTFs. (see p. 34 of the contract)

5 examples of the notice of ineligibility for 1915(1) HCBS Services (including the explanation and appeal rights) (see p. 27-28).

5. Health and clinical outcomes

We know that OHA’s policy is to incentivize good healthcare outcomes as well as to maximize independence and quality of life for people with disabilities. However, we are struggling to understand *how* OHA is tracking and incentivizing positive health, clinical and quality of life outcomes with regard to the KEPRO contract. Is there any available information regarding whether KEPRO determinations of ineligibility for a current level of HCBS care are followed by any of the following:

Emergency department visits/inpatient admission

Arrest and/or “aid and assist” admission to OSH
Civil commitment and/or civil/voluntary by guardian admission to OSH
Homelessness

6. Budget neutrality calculation

The contract requires KERPO and OHA to develop a methodology for calculating “budget neutrality.” Please provide that methodology.

Thank you very much for your assistance with this request.

Best,
Sarah

**Sarah Radcliffe | Managing
Attorney, Mental Health
Rights Project
Disability Rights Oregon**
Phone: 503.243.2081 ext. 222
Email: hradcliffe@droregon.org
Pronouns: she/her

**Celebrating 40
Years of Civil
Rights
Advocacy**

Note our new address: 511 SW 10th Avenue, Suite
200, Portland Oregon 97205

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From: West Keely L [mailto:KEELY.L.WEST@dhsoha.state.or.us]
Sent: Monday, October 1, 2018 3:00 PM
To: hradcliffe@droregon.org
Cc: Windham Jeanne <JEANNE.WINDHAM@dhsoha.state.or.us>; BANWARTH Allison W
<Allison.W.BANWARTH@doj.state.or.us>
Subject: Your request

Ms. Radcliff,

As promised, I wanted to reach out to you today and provide an estimated date of closure for your request. I had anticipated having some records for release, however, the reports that KEPRO provides to us were determined not to be responsive to your request. Those reports contain the names of all individuals in mental health residential facilities, and daily reports about reviews done the previous day, so the information goes far beyond what you have requested and beyond our authority to release in response to your current query. The agency continues to work with KEPRO in an effort to obtain the information you are interested in. We will have whatever information we are able to access for you not later than October 22.

I can tell you that the Behavioral Health staff reported that the service payment cost for denials from 7/1/2017 through 7/6/2018 was \$1,322,01.33.

You also asked for any available information on Oregon State Hospital readmission rates. Those queries are generally run for readmission within 30 days. There were 14 readmissions within 30 days during the 12 month FY2018 time

period. All of those were for “aid and assist” individuals whose readmits are driven by the courts. During that time period there were five GEI patients returned within 90 days of discharge. This is the only data that is readily available. For civil commitment or those admitted voluntarily by a guardian, this information may be slightly misleading, according to staff, since those who relapse and need hospital level care may go first to an acute care hospital and be put on a waitlist prior to being readmitted. OSH is able to run some queries on the Avatar system. I can request a report for “readmits within a year of release, during the past three years, for those who were civilly committed or admitted voluntarily by a guardian” if that would meet your need.

Again, I apologize for the delay in completing your request. OHA is committed to working with our community partners and should have said earlier that we don’t hold the exact data you’re requesting. Please let me know if I can be of additional assistance at this time.

Thank you,

Keely L. West, J.D.

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West Keely L

From: West Keely L
Sent: Friday, October 5, 2018 3:28 PM
To: 'Sarah Radcliffe'
Cc: Windham Jeanne
Subject: Release of information
Attachments: 2018-0508 Quarterly Reports.pdf

Sarah,

Attached are quarterly reports that almost fulfill item one of your request. We are missing the quarter April to June 2017 but we have requested it from KEPRO. Please be aware that the final report (most recent quarter) in this document has not been approved and released so it could change during KEPRO's validation process. Also, please be aware that for this release we extracted these pages from a spreadsheet provided by KEPRO quarterly. This is the first tab of the spreadsheet but the other tabs are made up of the individuals in the program and contain PHI protected under federal and state law, including HIPAA.

I have a contact for item two of your request and I am trying to determine the most appropriate contacts for items three through six.

We will continue to release documents or information on a rolling basis as more becomes available. We will complete the request no later than October 22. Let me know if you have questions or if I can be of assistance in the interim.

Here is the detail of the attached PDF.

2016: 3rd and 4th Quarter (p. 1)
2017: 1st Quarter (p. 2)
2017: 3rd Quarter (p. 3)
2017: 4rd Quarter (p.4)
2018: 1st Quarter (p. 5)
2018: 2nd Quarter (p. 6)
2018: 3rd Quarter DRAFT (p. 7)

Thank you,

Keely L. West, J.D.

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West Keely L

From: West Keely L
Sent: Monday, October 8, 2018 8:57 AM
To: 'Sarah Radcliffe'; Windham Jeanne
Subject: More information
Attachments: Oregon 1915(l) QIS Quarterly Report (Q2 2017) (002).pdf

Good morning, Sarah.

As promised attached is the final quarterly report you requested. Additionally, I was told this morning that based on the September invoice, there are 84,860 FFS members currently enrolled with KEPRO.

Additional information to come. Please let me know if I can be of assistance in the interim.

Thank you,

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2018: 1st Quarter (p. 5)
2018: 2nd Quarter (p. 6)
2018: 3rd Quarter DRAFT (p. 7)

Thank you,

Keely L. West, J.D.

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West Keely L

From: West Keely L
Sent: Wednesday, October 10, 2018 8:52 AM
To: 'Sarah Radcliffe'
Cc: Windham Jeanne; BANWARTH Allison W
Subject: Your request for information
Attachments: PCS UM PA Feasibility.pdf; SEIU Feasibility Letter.pdf; Copy of Position Pricing HSD PCS feasibility study.xlsx

Sarah,

I have some additional information responsive to your records request. I need to ask a clarifying question in one area. I think the number I was given is too high to be accurate based on what I understand you're asking.

1. We provided the last of the quarterly quality assurance reports requested in item one of your October 3 email yesterday. This item is complete.
2. We provided the number of FFS participants enrolled in case management through KEPRO on October 8. This item is complete.
3. KEPRO has received \$214,500 in performance payments through September 2018 for individuals discharged promptly after reaching "ready to transition" from the State Hospital (OSH). The payments are made monthly, as the metric is met. KEPRO has received performance payments of \$215,000 for the 215 individuals discharged promptly from SRTFs. These payments are also made monthly.
 - a. We can provide the monthly amounts if that is your preference, but that will take some additional time because we will need to pull the individual invoices. I do not know if we could complete that work within the October 22 date we previously agreed to. Let me know if you want this additional documentation.
 - b. **Clarification:** You said, "Please also provide the number of individuals for whom KEPRO obtained this performance payment, who were again deemed "ready to transition" from OSH within 180 days." Staff responded **258 individuals**. I was under the impression that your request related to individuals who were released from OSH, then went back to OSH, and were released a second time within 180 days of their re-admit, indicating that their transition plan may not have been solid. If this is an accurate summary, please let me know. I think the 258 number is the overall number of individuals for whom KEPRO has received the performance payment. Please help me be sure we're providing the information you're requesting so we can complete this portion of your request.
4. I've asked for the sample items you outlined in section four of your request.
5. You asked:

Is there any available information regarding whether KEPRO determinations of ineligibility for a current level of HCBS care are followed by any of the following:

 - Emergency department visits/inpatient admission
 - Arrest and/or "aid and assist" admission to OSH
 - Civil commitment and/or civil/voluntary by guardian admission to OSH
 - Homelessness

The agency does not have any documentation responsive to this portion of your request.
6. The budget neutrality documentation required by the contracting process is attached.

Please let me know if I can be of additional assistance at this time.

Thank you,

Keely L. West, J.D.

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Central Operations Manager

Oregon Health Authority

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West Keely L

From: West Keely L
Sent: Thursday, October 11, 2018 11:37 AM
To: 'sradcliffe@droregon.org'
Cc: Windham Jeanne; BANWARTH Allison W
Subject: RE: #secure# RE: Your request for information

Hi Sarah,

First, please don't worry about the "closing of a request". I thought we'd provided the originally requested information and we are always happy to open a new request for supplemental or clarifying information. Materials provided in one request often trigger requests for additional materials and opening new requests simplifies tracking. For the balance, please see below.

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From: sradcliffe@droregon.org <sradcliffe@droregon.org>
Sent: Thursday, October 11, 2018 10:38 AM
To: West Keely L <KEELY.L.WEST@dhsola.state.or.us>
Cc: Windham Jeanne <JEANNE.WINDHAM@dhsola.state.or.us>; BANWARTH Allison W <Allison.W.BANWARTH@doj.state.or.us>; sradcliffe@droregon.org
Subject: #secure# RE: Your request for information

Keely,

Thank you for compiling this information. I haven't had a chance to review it all thoroughly, but I wanted to respond with a few clarifications quickly - especially since you noted in today's email that you'll be closing the records request.

First, I didn't see a document that was responsive to this request: The written information provided by KEPRO to the individual regarding the process for changing a person-centered plan: [The KEPRO representative assisting me said: "The development of the Person Centered plan is a pretty fluid process, and recommendations regarding the hopes, wishes and dreams of the member are done with their individual input. They only sign off when they fully agree to it. The information and education is provided in real time during the face to face meeting with the Qualified Mental Health Professional." I am following up on if there are hard copy materials.](#) as well as the notification of the grievance process and appeal instructions. (see p. 27 of the contract). Did I miss that? [Are you looking for something different than the hearing rights and process documents found at the end of the denied eligibility requests?](#)

Second, relating to 3. (b) below, you are correct - I'm asking for the number of performance payments that were revoked because the person was readmitted and restored to RTT status within 180 days. Can you please obtain that number? [I will clarify this with program staff and get an accurate number.](#)

Thank you very much!

Sarah

From: West Keely L
Sent: Wed, 10 Oct 2018 15:56:17 +0000
To: Sarah Radcliffe
Cc: Windham Jeanne, BANWARTH Allison W
Subject: Your request for information

Sarah,

I have some additional information responsive to your records request. I need to ask a clarifying question in one area. I think the number I was given is too high to be accurate based on what I understand you're asking.

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Thank you,

Keely L. West, J.D.

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West Keely L

From: West Keely L
Sent: Friday, October 12, 2018 1:34 PM
To: 'sradcliffe@droregon.org'
Cc: Windham Jeanne
Subject: Additional response
Attachments: PCSP.DOCX

Sarah,

Attached is the person centered plan document. According to the KEPRO representative: “[Individuals] are informed on a standard language at the interview that **“should they disagree with the recommendations outlined, they should not sign it and have the right to get back with the Qualified Mental Health Provider who conducted the interview to discuss (Contacts always provided) until they are satisfied that the plan represents their goals and wishes”**. Same goes to County choice providers and hospital social workers who receive the same recommendations for their respective sign off plan as well. Thus far none has ever been contested.”

Based on this response to my follow up, I have to assume no additional written documentation is available for the planning or grievance process.

The contract administrator for the KEPRO contract reviewed the invoices and said there is no indication that the agency has revoked incentive payments.

Please let me know if I can be of additional assistance.

Thank you,

Keely L. West, J.D.

Keely L. West, J.D.

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